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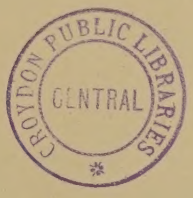

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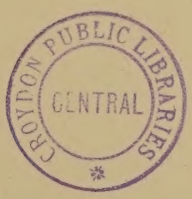

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

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VOL. VII.

A.D. 1604–1607

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF
HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF
THE DEPUTY CLERK REGISTER OF SCOTLAND

H. M. GENERAL REGISTER HOUSE
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INTRODUCTION.

AS was mentioned in the Introduction to last volume, there is an unfortunate hiatus, extending from 28th February 1603 to 7th August 1606, in the preserved series of the original Minute Books of the Council. This hiatus, which affected the portion of our last volume forming pp. 555–605, continues to affect our present volume from p. 1 as far as to p. 232. In other words, the first 231 pages of the present volume, like 51 pages of the last, are not directly from the original Register, but have been supplied from the best available substitutes for the missing volumes of that original. Among these substitutes are that *Minute Book of Processes* and those *Haddington MS. Excerpts* which served for the same purpose in the specified portion of the last volume. As these have been sufficiently described in the Introduction to that volume, it is necessary here to describe only the other substitutes which have also been laid under contribution. These are the *Book of Sederunts*, the *Skene Abridgment*, and *Recovered Fragments of Acta*.

By the name *Book of Sederunts* is here designated a series of MS. volumes, still in the Register House, in which there is preserved a contemporary official record, from December 1598 onwards, of the Sederunts at the more important meetings of the Privy Council, distinct from the record of the same in the greater or main Register of the Council's Minutes. As this special record of the sederunts sometimes supplies a sederunt not noted in the main register of the proceedings, or sometimes presents a small variation from a sederunt as noted there, it has occasionally been useful already, and will continue to be useful

henceforward, even where the main register is completely extant. Naturally, however, it becomes more important when there is a hiatus in the main register, the rather because it contains now and then, in addition to the mere sederunt at a meeting, a short jotting of some business there transacted.

Of far greater importance is the *Skene Abridgment*. That must be here the subject of a separate little story:—On the 21st of December 1747 there died, at the age of 103, according to an obituary notice in the *British Magazine* at the time, or at the age of 105, according to the notice of the same fact in the *Scots Magazine*, a certain Robert Mylne, writer, of Edinburgh. If either account is true, he had been born somewhere between 1642 and 1644. As sceptics in centenarianism are hard to convince, it may be mentioned that the date of his marriage is positively known to have been 1678, and that he was reputed to be over eighty years of age in 1725, when he had to defend himself against a vexatious lawsuit brought against him on account of certain complicated money transactions in which he had been engaged in his business of Writer to the Signet as early as five or six years before the Revolution of 1688. Whether with the rare distinction of being a centenarian or not, Robert Mylne was a remarkable man, and deserves more grateful recollection by his countrymen than he has received. A Jacobite in politics, an adherent of the Episcopal Church in Scotland, and a friend of Dr Archibald Pitcairne and others of the Edinburgh wits and scholars of the latter part of the seventeenth century and the beginning of the eighteenth, he had all his life been possessed by a patriotic passion for Scottish antiquities; and in his later years, when he had plenty of time on his hands, he had devoted himself laboriously to the collection and transcription of all sorts of documents illustrative of Scottish History. In an interesting account of him appended to the late Mr Maidment's *Book of Scotish Pasquils*, published in 1868, he is characterised as "one of the most indefatigable collectors of books and transcribers of ancient writings in his own hand that Scotland ever produced," with the express

acknowledgment that to him had been principally owing the preservation of the pasquils, or political satires of the reigns of Charles II., James II., William and Mary, and Queen Anne, composing that volume. Mr Maidment quotes also, from Crawfurd's *History of Renfrewshire*, published in 1710, the expression by that antiquary of his obligations to Mr Mylne for allowing him access to "his vast collection from the Public Records." A still more remarkable testimony, of which Mr Maidment does not seem to have been aware, is found in Bishop Keith's well-known *History of the Affairs of Church and State in Scotland*. In this work, published in 1734, the Bishop, on arriving at a point in Queen Mary's reign where he was troubled by a long gap in the accessible original of the Register of the Scottish Privy Council, similar to that which concerns ourselves at present, takes occasion to explain that among his most valuable means for filling up the gap had been a collection of transcripts that had been made by Mr Mylne from the missing original. The Bishop's words are these :—"Particular Acts of Privy Council copied by Mr Robert "Miln, Writer to the Signet before the Revolution in 1688; "since which time he has withdrawn from business, and is now "much employed in collecting what may be useful to the "knowledge of our Scottish affairs, and who very generously "afforded me the use of the Acts transcribed by him; which are "so very plentiful that they may well-nigh serve for a complete "record of the more publick and important transactions."— There can be no doubt that the collection so described by Bishop Keith was the same collection which is noted in a MS., now in the Advocates' Library, entitled "Ane Catalogue of the Books, MSS., and Pamphlets belonging to Robert Mylne, Wryter in Edinburgh, 1709." At p. 114 of that Catalogue there is a scribbling, inserted apparently after 1709, distinguishing it from other MS. collections made by Mylne, and in his possession till his death, by calling it "*Councill Record and Compend thereof in 9 volumes in manuscript.*" It is in this particular labour of Mylne's that we are now interested. What became of it?——After the old man's death in 1747, all his twelve

children having predeceased him except one married daughter, his books and MS. collections were so dispersed by sale that specimens of his autograph turn up now in unexpected quarters. The precious nine volumes of his Compend from the Register of the Scottish Privy Council were acquired by George Skene, Esq., of Skene, an Aberdeenshire laird of scholarly tastes. After having been for a long while in the possession of the Skene family, they came by inheritance in 1827 to the Earls of Fife, Barons Skene; and, in the form of nine quarto volumes strongly bound in leather, they are now in the library of the present Earl of Fife at Duff House, Banffshire.——From the time when the volumes passed into the possession of the Lairds of Skene, they seem to have been lost sight of. About sixty years ago, however, the attention of Mr Thomas Thomson, then Deputy Clerk-Register of Scotland, having somehow been called to them, a transcript of that portion of the fourth volume which extends from March 28, 1605, to July 11, 1606, was made, under his directions. This transcript, dated 1828, and certified as having been made by Mr George Home and collated by James Kilgour and William Macgregor Stirling, is still in the Register House; and it is this which has been used for the purposes of the present volume. It is evident that Mr Thomson's object in arranging for the transcript was to possess some means of filling up a part of the hiatus in the original Register of Council from February 1603 to August 1606. Mr Thomson, however, does not seem to have been aware of the full value and extent of the series of MS. volumes from one of which the transcript was taken, nor indeed that those volumes were the work of an antiquarian of such mark as Robert Mylne. Hence the provisional application in our pages of the vague name of *The Skene Abridgment* to this Register House transcript, in the absence of means of tracing the volumes that had supplied it farther back than to the time of their possession by the Skene family. That defect having been remedied at last by energetic inquiry, and the safe existence still of the nine volumes of Mylne's Compend in Duff House having been ascertained, together with the fact that they extend from the year 1562 to the year 1690, there has been the

satisfaction, by the courtesy of the Earl of Fife, of having temporarily in the Register House, before the actual completion of these pages, that particular volume of the Compend from which the Transcript of 1828 was taken.

Had all the facts here stated been known in time, what figures on the margins of so many of our pages by the name of the *Skene Abridgment* ought certainly to have figured there under some such name as the *Mylne Compend.* It is never too late to do justice; and, while this sketch of the old Scottish antiquary and collector, and of the fate of one of his labours, may serve in the meantime as an acknowledgment of our indebtedness to him, it is proposed, in any future use that may be made of any portion of his MS. that can help to supply a deficit in the preserved original Record of the Council, to drop the name provisionally adopted and substitute the other. That the Compend is wholly in Mylne's own hand appears not only from a comparison with known specimens of his handwriting, but also from the wording of Bishop Keith's references to it,—*e.g.*, "copied by Mr Robert Miln," "copied out of the Register by Mr Robert Miln,"—phrases distinctly implying that this was one of Mylne's many collections of Scottish documents referred to elsewhere as "*manu sua propria fideliter exscripta.*" The hand is a neat, clear, leisurely hand, reminding one by its antique look rather of the seventeenth century than of the eighteenth; but the probability is that it was not till the early part of the eighteenth century that Mylne had access to the Registers and made his great compilation. From a comparison of parts of it with the corresponding parts of the original it appears that he proceeded on a principle of free skipping and consolidation wherever the matter was of a merely private kind, and attended chiefly to the Acts of public or historical importance, with a very shrewd eye for the discernment of these, and with great pains in transcribing completely every Act that struck him as of especial moment. When he does transcribe completely, his transcripts, though they may be described as *verbatim*, cannot be described as also *literatim.* He takes his own way in spelling words,—the

punctilio of adhering to the original spelling of every word in a document having apparently not been a recognised canon in his time even among the strictest transcribers. In his selection of Acts, whether for transcription or for abstract, one observes occasionally a special interest, for some reason or other, in those appertaining to the North of Scotland. His datings of the principal Acts are generally accurate; but his plan of consolidation for minor Acts led him frequently to a mention of several of these together, as passed between the date he has last specified for a principal Act and the date he is next to specify for another principal Act,—the intervening meetings of Council being skipped, or merely suggested sometimes by an appended note of advance on the last dating. All in all, though *Mylne's Compend*, for the time through which we have used the office transcript of a portion of it in lieu of a missing portion of the original, can by no means be taken as representing fully all that was in that original, it has yielded much important matter that would otherwise have been lost. It is as authentic as the *Haddington M.S. Excerpts*, and it has enabled us to make our filling-up of the gap much fuller and richer than it could have been if we had been left to depend chiefly on that thinner authority.

A word or two, finally, as to the *Recovered Fragments of Acta*:—As was explained in our last Introduction, what the Register House has to regret is the disappearance from its archives of two entire folio volumes of the original Minutes of the Privy Council, one containing the Minutes from the 28th February 1603 to 18th March 1605, and the other the Minutes from 18th March 1605 to 7th August 1606. The first of these two volumes must have disappeared, as we explained, before the middle of last century,—probably just after Mylne's use of it; the second, if it had not then disappeared also, must have disappeared not very long afterwards. Of the first not a trace has been recovered; but for the last thirty-six years there have been in the Register House,—sight of sorrow!—about seventy leaves, or rather disconnected bits of leaves, recognisable at once as having undoubtedly belonged to the missing second volume.

These, which had come into the hands of the late David Laing,—always indefatigable in his search after such things in the bundles of waste paper that came anywhere under his inspection,—were presented by him to the Register House, together with an official MS. Register of Confirmations of Inverness-shire Wills. In a letter addressed to the late Deputy Clerk-Register, Mr W. P. Dundas, and dated 25th July 1849, Mr Laing, while explaining that he had purchased the Inverness-shire Register, "out of a mass of printed books laid aside as waste paper a few years ago," from a bookseller in Nicolson Street, is less exact as to the manner in which he acquired the other and more important "find." His words relating to it are merely these,—"The other article, I understood, was obtained several years ago in a tobacconist's shop." To such base uses had at least one of the missing volumes of the original Register of the Privy Council of Scotland been converted, after a century of latency in some private and perhaps culpable household, till Mr Laing's keen eye had lighted on the few torn fragments, perceived what they were, and rescued them. Restored now to the Register House, and carefully inlaid there in paper for safe keeping, they are but poor shreds of the large volume that ought to have been extant in the same handwriting, but are still worth something.

The first 231 pages of the present volume, it will now be understood, are a coagulation or piecing together of matter from the *Minute Book of Processes*, the *Haddington MS. Excerpts*, the *Book of Sederunts*, the *Mylne Compend* (in that Register House transcript of a portion of it which is cited throughout as the *Skene Abridgment*), and the *Recovered Fragments of Acta*. Wherever the *Recovered Fragments of Acta* serve, they have received the preference due to the original; but, whenever the wording of any fragment leaves an Act incomplete, and also through those tracts of weeks and months for which there does not survive even a tatter of a fragment, recourse has been had to the other authorities. This has been done always on the principle of selecting that which yields the fullest and most exact information, and sometimes with a citation of two or more of the authorities for the same fact, when their corroboration of

each other seemed important or interesting. In every case it has been deemed right, in circumstances so peculiar, to deal with the authorities by way of complete and verbal transcript, and not by way of editorial compression or abstract. Wherever, therefore, there is a marginal reference to any one of the authorities, the reader may be sure that he has in the text, exactly and verbatim, all that is yielded at that point by that authority. It is not till after p. 231 of our volume that this rule ceases. From that point onwards we are independent of the substitutes that have had to serve for filling up the hiatus in the original and official documentary material accessible in the Register House, are again at ease in the familiar abundance of that material, and resume therefore our ordinary editorial method,—viz. full transcript only of documents of special importance, and proportioned abstract, with quotation of interesting or graphic phraseology, in other cases.

The reader will observe that, while the division of the matter of former volumes was into four portions, entitled respectively ACTA ET DECRETA, ACTS OF CAUTION, ORDINANCES AND ACTS RELATING TO THE BORDERS AND THE NORTH, and MISCELLANEOUS PRIVY COUNCIL PAPERS, there is a novelty in the present volume in the form of no fewer than 90 pages interjected between the first and the second of these divisions, under the title of ROYAL AND OTHER LETTERS. The reason is that, while Royal Letters till now have not been so abundant but that they could fall into their proper places chronologically among the Acta of the Council, they become so numerous and of such independent importance in the period of our present volume that they must be presented in mass. In fact, not long after James VI. went to England, his correspondence thence with his Scottish Privy Council assumed such dimensions that, while some of his letters were engrossed in the Minutes of the Council, copies of most of them, and of the Council's replies, were entered in a separate book. It is this book that has yielded the ROYAL AND OTHER LETTERS which fill pp. 455–544. They are all given in full, and will doubtless attract attention. It is not too much to say that they contain a self-portraiture and partial biography of James VI., the incorpora-

tion of which with this volume may impart to it a more rousing interest than belongs to any of its predecessors.

As far as to March 1605 we are still in that period of Scottish History which should be remembered as the *Chancellor-Premiership of Montrose*. For some time, however, the King had been turning his regards to Lord Fyvie, the President of the Court of Session, as likely to be more effective than Montrose in the practical Premiership of Scotland during the pending negotiations for the great and difficult business of the Union of the two Kingdoms; and in the winter of 1604-5, when both Montrose and Fyvie were in London on that business, the opportunity was taken for the desired rearrangement of offices. Montrose was persuaded to resign the Chancellorship in favour of Lord Fyvie, and to accept instead a kind of honorary Viceroyalty in Scotland for the rest of his life, under the name of His Majesty's High Commissioner. Accordingly, when the two noblemen returned to Scotland early in 1605, it was with this reservation of an honorary supreme political dignity during life for John Graham, Earl of Montrose, but with the transference of the Chancellorship, and of the substantial Premiership with it, to Alexander Seton, Lord Fyvie, formerly known to us as Lord Urquhart, and originally as Prior of Pluscardin. To signalise this promotion of Lord Fyvie to the highest state-office in the Scottish realm, he was, on the 4th of March 1605, created Earl of Dunfermline. The present volume contains, therefore, the history of the first years of what ought to be remembered in Scottish annals as the *Chancellor-Premiership of Dunfermline*. It was to be a Chancellorship and Premiership of unusually long duration; and there were to be vicissitudes during it in the degree of confidence accorded to Dunfermline by the King and in the amount of power he was permitted to exercise personally. At its commencement, and through those years of it which are comprised in our present volume, if not for some time beyond, the Chancellor's tenure of office was so unstable, and there were such influences competing with his in the management

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of affairs, that, while we retain the name of the *Chancellor-Premiership of Dunfermline* as, on the whole, the most descriptive, an alternative name may be found useful for this particular section of the political history of Scotland. It may be called the *Dunfermline and Dunbar Administration*. The reason for such an alternative name is that, while Dunfermline was the resident head of the Scottish Government, there was a division of the real power between him and that other Scottish statesman whom we have known hitherto as Sir George Home of Spott, Lord High Treasurer of Scotland since 1601, but who had accompanied the King to England, and had so gained in favour there that he was now Lord Home of Berwick in the English Peerage and Earl of Dunbar in that of Scotland. This nobleman, though all but naturalised in England, still retained his Scottish office of the High Treasurership, and was in fact the chief Scottish minister at the English Court, consulted by the King in all measures for North Britain, and always despatched thither as the King's special envoy when any measure of peculiar importance was to be carried into effect. Thus coming and going between England and Scotland, Dunbar exercised an influence in Scottish affairs far greater than might be inferred from the comparatively small number of his recorded appearances in the meetings of the Scottish Privy Council. He appeared there but at intervals, when special business brought him to Scotland; but, present or absent, he had the reputation of being a permanent force in the Scottish Government, checking and sometimes over-riding the resident official supremacy of the Lord Chancellor.

As there was a kind of continuity in the Administration through the whole of our present volume, caused by the retention of the main body of the former Privy Councillors, with only the necessary additions to supply vacancies, it may be well to give at once a complete list of the Members of the Council from 1604 to 1607, with such notes as may indicate the degrees of their assiduity. It may be premised that there are about 160 recorded sederunts of Council in the volume, the first on the 5th of March 1605, and the last on the 15th of October 1607.

THE SCOTTISH PRIVY COUNCIL FROM 1604 TO 1607.

I. Official or Ministerial Members.

John Graham, 3rd Earl of Montrose, *Lord High Chancellor* till March 1605, and then *Lord High Commissioner*.—In this latter office of honorary dignity he continued to take a diligent, though not very important, part in affairs. I find him present in about 78 of the recorded sederunts. When he is present, his name still takes precedence, though now with his official title of "Commissioner" substituted for his former title of "Chancellor."

Alexander Seton, 1st Earl of Dunfermline, *Lord High Chancellor* from March 1605, having been previously known as Lord Fyvie, *President of the Court of Session*.—As became the virtual Premier, he was even more indefatigable in his attendance at Council than he had previously been. He was very seldom absent from a meeting, his name occurring in about 145 of the recorded sederunts, and always minuted first, except when either Lord Commissioner Montrose or the royal Duke of Lennox was also present.

George Home, Earl of Dunbar (created 3rd March 1605), *Lord High Treasurer*.—For the reason already explained, his name appears only in about 16 of the recorded sederunts of our present period.

James Elphinstone, 1st Lord Balmerino (created 25th April 1604) *Secretary of State*; with which office, after Lord Fyvie's promotion to the Chancellorship, he conjoined that of *President of the Court of Session*.—He was an extremely active member of the Council, and is found in about 120 of the recorded sederunts, named "Secretary" or "President" indifferently, or sometimes simply "Balmerino."

David Murray, Lord Scone, *Comptroller*.—He had held the office already for some time, while known as Sir David Murray of Gospertie. His elevation to the peerage as Lord Scone dates from 1604. He continued to be a tolerably active Scottish official.

Sir Richard Cockburn of Clerkington (one of the Lords of Session), *Lord Privy Seal*.—He had held that office since 1596, and was still very assiduous. I find him in about 120 of the recorded sederunts.

Sir John Skene of Curriehill (one of the Lords of Session), *Clerk of Register*.—He had held the office since 1594; and, though a Council Minute of date 26th July 1604 bears that he then resigned the office, and that his son Mr James Skene was appointed to it in his stead by royal warrant (see p. 6, and also Royal Letter at p. 457), the arrangement seems somehow not to have taken effect. At all events, it is the great lawyer Sir John Skene of Curriehill, and not his lawyer son James Skene, that figures in about 100 sederunts of Council through our present volume as effectively Clerk of Register.

Sir John Cockburn of Ormiston, *Lord Justice Clerk*.—He had been Justice Clerk since 1593, and continued a pretty active member of

Council through our present period, being found in about 80 of the sederunts.

Sir Thomas Hamilton of Monkland ("Tam o' the Cowgate"), still *Lord Advocate*.—He was the most assiduous of all the Councillors next after Chancellor Dunfermline himself, his recorded attendances numbering over 130.

Mr John Preston of Fentonbarns (one of the Lords of Session), *Collector*.—He had held the office since 1598. The number of his recorded attendances is close upon that of Lord Advocate Hamilton's.

Sir John Arnott of Birswick, *Treasurer Depute*.—Lord Treasurer Dunbar being now all but habitually resident in England, it seems to have been found necessary to have a representative of the Treasury in his stead permanently in the Scottish Ministry and Council. Hence the appointment to the Council early in March 1605 (p. 22) of Sir John Arnott in the capacity of Treasurer Depute. He was thenceforth very constant in his attendance. I find him in about 114 of the recorded sederunts.

Sir Peter Young of Seyton, *Eleemosynar*.—As this old gentleman, once George Buchanan's colleague in the tutorship of His Majesty, was now a country laird, his attendances were but at intervals, when he was in Edinburgh for other reasons. He is noted as present in about 24 sederunts in all, generally as "Eleemosynar" merely, but latterly sometimes as "Sir Peter Young."

II. Non-Ministerial Members.

Nobles.

Ludovick Stewart, Duke of Lennox.—This Duke of the blood-royal, having accompanied the King into England, has his fortunes henceforth more in England than in Scotland. He is not found in his place in the Scottish Privy Council in this volume till the 31st of July, 1607 (p. 422), when he was on a visit to Scotland for the purpose of acting as His Majesty's High Commissioner Extraordinary in the Parliament then sitting. He is recorded as having been six times present in Council after that, always of course ranking first.

James Hamilton, 2nd Marquis of Hamilton.—The first Marquis having died on the 12th of April 1604, it is his son, the second Marquis, that is heard of in our present volume. Though but fifteen years of age at the time of his accession, he became at once one of the Privy Council, and could attend when he chose. Nine attendances of his are recorded.

George Gordon, 1st Marquis of Huntly.—Much more is heard in the present volume of this great nobleman, Earl of Huntly since 1576, and Marquis since 1599, than of his single fellow-Marquis in the Scottish peerage, young Hamilton. Hardly, however, in his capacity of Privy Councillor, but rather in that of Highland potentate and head of the Roman Catholic interest in Scotland. He does, however, appear eight

times at intervals in Council meetings, between 4th April 1605 and 25th June 1607.

William Douglas, Earl of Angus.—Known to us already as Earl since 1591 and an active man in Scottish affairs, he continues active through our present time. He is present in over 50 of the recorded sederunts.

Archibald Campbell, Earl of Argyle.—Though still a very important man in Scotland, he is found in only 18 of the sederunts.

George Sinclair, 4th Earl of Caithness.—Earl since 1582, he appears in 12 of the recorded sederunts in this volume.

John Kennedy, 5th Earl of Cassillis.—This nobleman, rather conspicuous in the last two volumes as the husband of the widow of Chancellor Maitland of Thirlstane, as Treasurer for a time, then Ex-Treasurer, and on other accounts, does not appear in a recorded sederunt of Council in the present volume till 18th July 1605; after which he appears with a kind of fitful frequency at intervals, giving about 33 appearances in all before the volume ends.

Francis Hay, 9th Earl of Errol.—His recorded appearances are 23.

James Cunningham, 6th Earl of Glencairn.—Only in 4 of the recorded sederunts.

Alexander Livingstone, 1st Earl of Linlithgow.—In 33 of the sederunts.

John Erskine, Earl of Mar.—Though in England with the King till June 1605, and a member of the English Privy Council, he was afterwards not inactive in Scottish business, and is noted as present in about 34 of the sederunts.

George Keith, Earl Marischal.—Like Mar, he does not appear in the Council till June 1605; after which his rate of attendance is about the same as Mar's.

William Douglas, Earl of Morton.—Present in 3 sederunts in the course of 1605, the last on the 19th December; died 27th September 1606: succeeded in the Earldom by his grandson William Douglas; who appears in Council once only in this volume, viz. 28th July 1607.

Patrick Stewart, 2nd Earl of Orkney.—Appears first in Council in this volume on 7th March 1606; next in July of the same year; after which his appearance is registered 8 times.

George Seton, 2nd Earl of Winton.—Recorded as present 30th July 1607, and 3 times afterwards.

James Hamilton, Lord Abercorn (cousin of the Marquis of Hamilton, and formerly of the Council as Master of Paisley); created Earl of Abercorn 10th July 1606.—Appears, as Lord or Earl of Abercorn, in about 26 of the recorded sederunts.

John Fleming, Lord Fleming; created Earl of Wigton, 19th March 1606.—Appears, as Lord or Earl, in 16 of the recorded sederunts.

Patrick Lyon, Lord Glamis; created Earl of Kinghorn, 10th July 1606.—Appears, as Lord or Earl, in about 34 of the recorded sederunts.

Mark Ker, Lord Newbattle; created Earl of Lothian, 10th July 1606.—This veteran Councillor continued very active. He is recorded in this volume as present in about 47 Council meetings under his old title of Lord Newbattle, and then in about as many more under his new title of Earl of Lothian. So long as he was Lord Newbattle he continued to hold his old office of *Master of Requests* and was in a manner a ministerial member; but, on his promotion to the Earldom, he resigned this office in favour of his son, the Master of Lothian (p. 226 and pp. 745–6).

John Murray, Lord Tullibardine (from 25th April 1604); created Earl of Tullibardine, 10th July 1606.—As Lord or Earl, he is found in about 10 of the recorded sederunts.

Thomas Erskine, Lord Dirleton (since 1603); created Viscount Fentoun in 1606.—This courtier, in high favour since his service to the King in the affair of the Gowrie Conspiracy, had accompanied his Majesty into England, and now resided there, rewarded also with English honours. He is consequently not heard of in any Council meeting in this volume under his title of Lord Dirleton; but, chancing to be in Scotland in July and August 1607, he does then appear twice with his new title of Viscount Fentoun.

Alan Cathcart, Lord Cathcart.—This aged peer, whose first concern with public affairs began so long ago as the Reformation, is found present in about a dozen Council meetings between February and October 1607.

Alexander Elphinstone, 4th Lord Elphinstone.—This elder brother of Secretary Balmerino, though not quite so assiduous in affairs as he had been between 1599 and 1601, when he was Dunbar's predecessor in the High-Treasurership, still attended the Council meetings pretty fairly. He is present in about 37 of the recorded sederunts of our volume.

John Forbes, Lord Forbes.—Present on the 24th of February 1607, and three times afterwards.

John Maxwell, Lord Herries.—This Roman Catholic nobleman appears in about 8 Council meetings in all.

Robert Lindsay, Lord Lindsay of Byres.—About 9 attendances in all.

Hugh Campbell, 1st Lord Loudoun.—About 15 attendances in all.

John Maxwell, Lord Maxwell.—Heard of much in this volume as an unruly subject; found in 4 Council meetings.

Andrew Stewart, 4th Lord Ochiltree.—Still as busy as ever. Credited with about 83 attendances in this volume; which means that he was one of the most constant of the non-ministerial Councillors.

Robert Ker, Lord Roxburgh (formerly Ker of Cessford).—First marked as present in a Council meeting in this volume on 13th February 1606; after which he is credited with over 30 more attendances.

John Abernethy, Lord Saltoun.—About 13 attendances, mostly in 1607.

Alexander Lindsay, Lord Spynie.—Familiar to us for a good many years already as Councillor and active man generally, he appears about

12 times in the recorded sederunts of this volume, the last being on the 3rd of February 1607. His death four months afterwards, from wounds received in a family brawl in the High Street of Edinburgh, was an incident of considerable note at the time. See p. 383 and footnote.

James Sandilands, Lord Torphichen.—Attends 6 times at intervals.

Sir Walter Scott, created Lord Buccleuch 16th March 1606.—Recorded as present in 5 sederunts in all, the first on the 26th of March 1607.

Walter Stewart (Commendator of Blantyre for many years past); created Lord Blantyre, 1606.—The peerage came late for a man who had been active Councillor and politician so long, and had held the offices of *Lord Privy Seal* and *Lord High Treasurer*. He had been in disfavour, however, at the time of his dismissal from the High Treasurership in 1599, and had been recovering ground somewhat slowly. He reappears in Council in this volume on the 11th of June 1605; after which, as Prior or as Peer, he is again active enough, credited with nearly 70 attendances before the end of the volume.

Lairds and Lawyers.

John Bothwell, Commendator of Holyroodhouse (one of the Lords of Session).—Still a very constant personage in the Council meetings. No fewer than about 113 of the sederunts in this volume contain his name. He was to be a peer ere long, by the title of Lord Holyroodhouse.

Mr Peter Rollok (Extraordinary Lord of Session).—He continues to appear as titular "Bishop of Dunkeld" till February 1607; after which (p. 319), in consequence of an arrangement for recovering the Bishopric as a spirituality, he figures simply as "Mr Peter Rollok." Under either designation, he was very regular, appearing in about 100 of the recorded sederunts.

Alexander Elphinstone, Master of Elphinstone, eldest son of Lord Elphinstone, and nephew of Secretary Balmerino.—He takes his seat in Council 7th March 1605 (p. 22), and is found thenceforward in about 85 of the recorded sederunts.

Sir Archibald Douglas of Whittinghame (one of the Lords of Session, by the title of "Lord Whittinghame").—About equally regular with the last named Councillor.

Alexander Hay of Fosterseat (one of the Lords of Session, by the title of "Lord Fosterseat").—Present in nearly 70 of the recorded sederunts.

Sir Robert Melvill of Burntisland (Extraordinary Lord of Session, by the title of "Lord Burntisland").—His rate of attendance is about the the same as that of the last-named Councillor.

Sir Robert Melvill of Murdocairny (Extraordinary Lord of Session).—This aged person, the father of the preceding, and known to us

as a very active Councillor in previous volumes, continues on the scene in this. He appears in about 40 of the sederunts. He was to live a good many years still, and to be a peer before his death, by the title of LORD MELVILLE.

SIR JAMES SCRYMGEOUR OF DUDHOPE, CONSTABLE OF DUNDEE.—Present about as often as the last mentioned.

SIR WILLIAM LIVINGSTON OF KILSYTH.—Nearly as frequent as the last.

ROBERT KER, MASTER OF LOTHIAN, son and heir of Mark Ker, Earl of Lothian, and his successor, as has been mentioned, in the office of *Master of Requests*.—He takes his seat in Council on the 31st of July 1606 (p. 227), and attends pretty steadily thenceforward.

SIR GEORGE DOUGLAS.—Named as present on the 25th April 1605, and in about 28 subsequent meetings.

KENNETH MACKENZIE OF KINTAIL.—For a good many years it had been thought desirable, for purposes connected with the administration of the Highlands, to have this Highland Chieftain on the Council; and he had been nominally admitted of that body more than once (see vols. v. and vi. by Indexes). In our present period he does, during his visits to Edinburgh, become somewhat of an effective Councillor. His name appears in the recorded sederunts about 27 times in all, though with considerable breaks of absence.

SIR JAMES HAY OF KINGASK.—Admitted of the Council 18th December 1606 (p. 285); attends thenceforward pretty regularly, being named in about 27 of the sederunts from January to October 1607.

DAVID MACGILL OF CRANSTOUN-RIDDELL (one of the Lords of Session, by the title of "Lord Cranstoun-Riddell").—In about 23 of the recorded sederunts. He died 10th May 1607.

SIR MICHAEL ELPHINSTONE.—Younger son of Lord Elphinstone, brother of the Master of Elphinstone, and nephew of Lord Balmerino. He is therefore the fourth of the Elphinstone family with a seat in Council. He is present in about 19 of the recorded sederunts.

SIR DAVID LINDSAY OF EDZELL (one of the Lords of Session, by the title of "Lord Edzell").—Admitted of the Council on the 29th of May 1603 (vol. vi. p. 572), this veteran, an elder brother of the late celebrated Secretary John Lindsay, Parson of Menmure (see vol. v. by Index), would doubtless have been an active man in the business of the Council through our present period but for the trouble into which he was brought by the notoriety of two successive frays of family feud in which his sons were the principal actors. See p. 61 and note, and p. 383 and note. These were inconvenient affairs for the head of the Edzell family; and his broken attendance in the Council distributes itself through only about 17 of the recorded sederunts.

SIR ALEXANDER STRATON OF LAURISTON.—In about 15 of the recorded sederunts in the earlier part of the volume this Councillor appears under the name of "Lowriston." He was at that time a man of con-

spicuous importance, as Commissioner for the King in the affairs of the Kirk, and his representative in dealings with the clergy.

Sir Lewis Craig of Wrightslands (a Lord of Session, by the title of "Lord Wrightslands").—His admission to the Council dates as late as 9th June 1607 (p. 382); but thence onwards he attends steadily.

Sir James Sandilands of Slamannanmure.—Of the Council since August 1601 (vol. vi. p. 279), he reappears in this volume on 9th July 1605, and is found present, with interruptions, in about 12 subsequent sederunts.

John Graham, Master of Montrose.—This son and heir of the Earl of Montrose, and future father of the great Marquis of Montrose, had been admitted of the Council by royal warrant of 31st March 1604, nearly a year before his father's resignation of the Chancellorship (vol. vi. p. 605). His first appearance in Council under the Dunfermline Chancellorship and Premiership is on the 14th November 1605; and he is present in about 12 of the subsequent sederunts.

Sir James Douglas of Spott.—After long incapacitation and exile for his concern in the Bothwell rebellions and conspiracies, he reappears in this volume as a rehabilitated man, takes his place in Council on the 4th of June 1607, and attends about 12 times afterwards.

Sir Robert Denniston of Montjoy, Conservator of Scottish Privileges in the Netherlands.—Of the Council since 30th November 1602 (vol. vi. p. 486), he is found at a Council meeting in this volume on 31st July 1606, and about 8 times afterwards.

Andrew Wemyss of Myrecairny (a Lord of Session, by the title of "Lord Myrecairny").—Takes his seat on the same day as his brother judge Sir Lewis Craig (29th June 1607), and is present in 5 subsequent sederunts.

James Wemyss of Bogie.—Heard of as present on 2nd July 1607, and 5 times afterwards.

William Melvill, Commendator of Tungland (a Lord of Session, by the title "Lord Tungland").—Heard of incidentally as once present in a Council meeting in 1599 (see vol. vi. p. 23), he reappears at a meeting on 9th July 1607, and 4 times subsequently.

Prelates.

George Gledstanes, Archbishop of St Andrews.—Admitted of the Council 24th November 1602, when he was but Bishop of Caithness (vol. vi. p. 484), this Prelate, formerly parish minister of St Andrews, continues to hold his seat in Council after his elevation to the Primacy. By some extraordinary oversight the date of his transference from the Caithness Bishopric to the Primacy is usually given in history-books as 1606; but he distinctly appears in the present volume as "Bishop of Sanctandrois" in the first recorded sederunt of Council, viz. on the 5th of March 1605 (p. 52); after which date he is present in about 22 more of the recorded sederunts. It may be worth remarking that he is never styled "Archbishop" in the sederunts in this volume, but only "Bishop."

JOHN SPOTSWOOD, ARCHBISHOP OF GLASGOW.—Formerly parish minister of Calder, but designated for the Archbishopric of Glasgow in May 1603 (vol. vi. p. 569, note), he appears in this volume as admitted of the Council, being then actually Archbishop, on the 30th of May 1605; after which he attends much more frequently than Archbishop Gledstanes of St Andrews, being noted as present in about 44 of the recorded sederunts. In these, like Gledstanes, he is always styled "Bishop" merely.

DAVID LINDSAY, BISHOP OF ROSS.—Admitted of the Council as long ago as December 1600, the first of all the new Scottish prelates admitted to that honour, and already habitually at the Council Board (see vol. vi. by Index), this prelate, formerly minister of Leith, beats even Spotswood of Glasgow in the assiduity of his attendance throughout this volume. He appears in about 77 of the recorded sederunts. The cause of his greater frequency at the Council board than either Gledstanes or Spotswood was probably that, his diocese being far off, he was non-resident there, and resident chiefly in Edinburgh.

ALEXANDER DOUGLAS, BISHOP OF MORAY.—Formerly minister of Elgin. He appears in Council as Bishop of Moray on the 2nd of July 1607, and in 4 subsequent sederunts.

ANDREW LAMB, BISHOP OF BRECHIN.—Formerly minister of Burntisland. He appears for the first time in Council in the sederunt of 2nd July 1607, and twice afterwards in this volume.

ALEXANDER FORBES, BISHOP OF CAITHNESS.—Formerly minister of Fettercairn, and now successor of Gledstanes in this Bishopric. He also appears first in Council on 2nd July 1607, only one subsequent attendance of his being recorded in this volume.

APPENDIX.

To complete the foregoing list, note may be taken of the following stray appearances at Council meetings:—Three times present, SIMON FRASER, LORD LOVAT. Twice present, ALEXANDER HOME, LORD HOME (created EARL OF HOME, 4th March 1605), and JAMES COLVILLE, LORD CULROSS (raised to that peerage in 1604). Once present, JOHN STEWART, EARL OF ATHOLL (formerly LORD INNERMEATH), and, after his death in 1605, his son and successor JAMES STEWART, EARL OF ATHOLL: also DAVID LINDSAY, EARL OF CRAWFORD; JAMES STEWART, EARL OF MORAY (15th October 1607); LAURENCE OLIPHANT, LORD OLIPHANT; GEORGE GORDON, MASTER OF HUNTLY (son and heir of the Marquis of Huntly); JAMES DRUMMOND, COMMENDATOR OF INCHAFFRAY; and the Bishops of ABERDEEN (Peter Blackburn), DUNBLANE (George Graham), GALLOWAY (Gavin Hamilton), and ORKNEY (James Law), all these bishops in the single sederunt of 31st July 1607. SIR ARCHIBALD NAPIER OF EDINBILLIE, MASTER OF THE MINT (father of Napier of the Logarithms), was also once present on special Mint business (2nd April 1605).

This list ought to be useful. Those were the ninety-three men, little as we know about most of them now, whom the Scottish nation could then count up as its most conspicuous social heads. What is more to our purpose, they were the men,—or at least a large proportion of them were the men,—whom History is now bound to keep in memory as the persons who had in their hands the government of Scotland in those years, just after the removal of King James to England, when the little nation was accustoming itself to the loss of resident royalty, and who are to be held responsible therefore, collectively and individually, for the general nature of that government, and for all its particular acts. There were, it is true, three Scottish Parliaments and one Convention of Estates within the period embraced by this volume (see footnotes at pp. 2–3, pp. 5–6, and pp. 459-461 ; pp. 55–57 ; footnotes at pp. 219–221 and pp. 226–228 ; and footnote at pp. 425–426). In those days, however, a Scottish Convention of Estates was little more than a slight enlargement of an ordinary Council meeting for taxation enactments ; nor was it often that a Scottish Parliament ventured on anything spontaneous or independent. The Privy Council, sitting chiefly in Edinburgh twice or thrice a week, but sometimes with intervals of relaxation, was the real and permanent power, both legislative and administrative. Perhaps, of the ninety-three men mentioned as partaking more or less in the proceedings of that body between February 1605 and November 1607, fifty or more may, on account of the rarity of their attendances, be regarded as non-effective, or as effective only for the portions of time spanned by their attendances. This would leave the following, in the following order of the registered number of their attendances, as actually the most assiduous and responsible of all the ninety-three :—Chancellor and Premier Dunfermline ; Lord Advocate Hamilton ; Collector Preston ; Secretary Balmerino ; Privy Seal Cockburn ; Treasurer-Depute Arnott ; Commendator Bothwell of Holyroodhouse ; Mr Peter Rollok (titular Bishop of Dunkeld) ; Clerk-Register Skene ; Lord Newbattle (first Earl of Lothian) ; Senator Douglas of Whittinghame ; The Master of Elphinstone ; Lord Ochiltree ; Justice-Clerk Cockburn ; Commissioner and ex-

Chancellor Montrose; Bishop Lindsay of Ross; Senator Hay of Fosterseat; Sir Robert Melvill, younger (of Burntisland); Lord Blantyre; Comptroller Lord Scone; the Earl of Angus; Archbishop Spotswood of Glasgow; Sir Robert Melvill, elder (of Murdocairny); Constable Scrymgeour of Dundee; Lord Elphinstone; Senator Livingston of Kilsyth; the Earl of Mar; Lord Glamis (Earl of Kinghorn); Lord Roxburgh; the Earl of Linlithgow; the Earl of Cassillis; Earl Marischal; the Master of Lothian; Sir George Douglas; Sir James Hay; the Laird of Mackenzie; Lord Abercorn; Eleemosynar Young; the Earl of Errol; Senator MacGill of Cranstoun-Riddell; and Archbishop Gledstanes of St Andrews.

When it is said that these forty-one men, with such of the rest as were to any less extent active partners with them, are the persons whom History has now to remember as responsible for the government policy pursued in Scotland from 1604 to 1607, the statement is subject to one momentous qualification. These men were the agents of the policy; but the policy itself emanated directly and wholly from the absent King. The proofs of this furnished by the present volume, and especially by the portion of it which consists of ROYAL AND OTHER LETTERS, will come upon the student of Scottish History as little less than a revelation.

We have noted in former volumes the gradual success of James in establishing in Scotland, against all opposition, and especially against the opposition of the Presbyterian clergy, those high notions of Kingship which he had held theoretically from his earliest manhood. The general result had been, as we had occasion to express it in the Introduction to our last volume, that at no previous period of the reign of James VI. was he so much "the master of his native kingdom" as in the last two or three years immediately preceding his removal to England. What we have now to attend to, however, is the enormous accession of new power over Scotland, and of new consciousness of that power, which came with his actual change of residence from the smaller and poorer to the larger and richer kingdom. Perhaps there has never yet been an adequate appreciation of the

effects upon Scotland, and upon the course of Scottish History, of that accident of 1603 which made James VI. of Scotland also James I. of England.

When we defined the consequences for Scotland of the King's removal to England as consisting in a certainty that Scotland would thenceforth be "governed through the post," we used a phrase almost unwittingly which turns out to be literally correct. We have King James's own positive information that this was the state of the case, with the additional information that it was he himself, and no other, that sent from London, Greenwich, Newmarket, or wherever else he might be, the messages by which Scotland was governed. In a speech of his to the English Parliament on the 31st of March 1607, having occasion to contrast the facility with which he continued to rule Scotland with the difficulties he experienced in England, he used these remarkable words:—"*This I must say for Scotland, and "may truly vaunt it: here I sit and govern it with my pen: I "write, and it is done; and by a Clerk of the Council I govern "Scotland now,—which others could not do by the sword.*" There could be no more emphatic statement; and that it was no mere royal exaggeration for a temporary effect in England, but a plain and positive truth, is evidenced most amply by the series of ROYAL AND OTHER LETTERS printed in this volume.——King James is there found writing to his Scottish Privy Council always in the tone of an imperious lord and master addressing his underlings. Thus, in a letter from Richmond, of date 18th November 1606 (pp. 504–505), with reference to what he considers one instance of their failure of duty, he first says—"We can not but wonder of the inexcusable negligence of you, our counsellouris," and then continues to lecture them on the particular business they have mismanaged, with recurring taunts about their "cairles oversicht," and apparent inability to "proceid wyislie and bauldlie as becometh faithfull and constant counsellouris assured of the favour and protectioun of suche a master." Again, in a letter from Whitehall of 2nd March 1607 (pp. 511–512), he administers rebuke as follows:—"Yf heirin ony "difficultie have occurred, so as, by reasoun of the Marques of

" Huntley or Erll of Ergyle thair excuse or refuse, the service is " not undertakin by thame, then must we blayme your negligence " in not deulie advertising us. For Princes will not inlaik " servantis, and thair wilbe no defect of nomberis of our wele- " affectionat subjects, upon the otheris ather excuse or refuse, " willinglie to undertak and speedilie to performe that service. " And, yf otherwayes it hes procedit of your cairlesnes that this " mater has ressavit so lang delay (which we can noway expect), " we haif just caus to wearye to continew thus still a tutor unto " you to remember so often our directionis, as tutoris are " accustomat to repeate thair lessonis to thair childrene. " Willing you thairfoir to mak use of this oure admonitioun for " saulfing you heirefter frome ony forder repruif at oure handis, we " bid you fairwele."——Nor is it only by such occasional spurts of temper that James asserts himself as still absolute monarch of Scotland, though residing now on the banks of the Thames. The same Royal Letters, if studied in connection with the main Record of the Acta and other proceedings of the Scottish Privy Council itself from the beginning of the volume to the end, will show that the absent King kept himself always abreast with the Council, and that in every particular matter of any real importance the Council received inspiration from him and instructions how to proceed, and did nothing else than formulate, publish, and execute the royal will. It is astonishing to observe with what docility they accept the part thus assigned to them, and with what meekness and submissiveness they bow before the King's occasional rebukes. Once or twice, in the humblest manner, they offer explanations or excuses in reply; but only once, and then with fear and trembling, did they muster up courage really to remonstrate.

While it may be said, therefore, that Chancellor Dunfermline and his associates in the Scottish Privy Council are the men whom History must hold responsible for the Government policy pursued in Scotland from 1604 to 1607, this is true mainly in the sense that they acquiesced in the policy prescribed to them by King James by his missives from England, and consented to

be its instruments. There is reason to believe that some of them did so reluctantly, and that, had they been free to govern Scotland according to their own notions of what was expedient and reasonable, some of the measures most characteristic of the Scottish government of the years in question would never have been heard of, and the course of events in Scotland through those years might have been considerably different from what it actually was. King James himself, we repeat, away in England, and moving about between London and one or other of his royal residences and hunting-seats in the English shires, was now the real and sole governor of Scotland. The present volume throughout is one continuous corroboration of this assertion. The truth, or at least the sufficiency, of the traditional character of King James, as an easy, good-humoured monarch, of shambling and clumsy gait, pedantic and jocose speech, and ludicrous and irresolute ways, always setting forth in discourse certain high notions of the divine right of kings, but never able to maintain them practically, has been challenged by some recent critics of his English reign. Most certainly, the traditional character requires revision also on the Scottish side. Whatever features of the traditional portrait may survive intact, it will be impossible for any one who shall make due acquaintance with the contents of this volume to think of James as other than a man of a very remarkable measure of political ability and inventiveness, with a tenacity and pertinacity of purpose that could show itself in a savage glitter of the eye whenever he was offended or thwarted, and in a merciless rigour in hunting down and crushing his ascertained opponents.

With what certainty of immediate obedience in any matter whatever the King sent his orders into Scotland may be illustrated in such a trifle as the new regulations for the Parliamentary robing of the Scottish Peers:—On the 23rd of May 1605 a Royal Letter was sent from Greenwich to Chancellor Dunfermline (pp. 470, 471), requiring him to take steps for securing that all the Scottish nobles should appear in the next Parliament in their proper robes, so that they might be "distinguished from otheris of meaner rankis and sortis." The

result was an Order of Council, or rather of a Convention of Estates, on the 7th of June following (pp. 57, 58), referring to previous Scottish usage in the matter, and enacting that in future Parliaments all Scottish Dukes, Marquises, and Earls should wear "reid cramsie velvet robs, lyned with quhyte armings and taffety," and all Lords of lower degree "reid scarlet robs lynit after the same fashion." The order held good for eleven months. On the 8th of April 1606, however, in view of its application to the Parliament then about to sit, there was another letter from the King (pp. 488, 489), to signify that the order was egregiously wrong in one particular. The intention of the higher nobles to wear crimson velvet robes in Parliament had "procedit of thair ignorance of these thingis"; and his Majesty, with his better knowledge of the custom of all civilised countries, now informed them that, while they might have velvet robes in their possession, such robes could properly be worn only at Coronations and other rare public solemnities, and that in Parliament they must appear only in robes of scarlet cloth, like the inferior lords, contenting themselves with the distinctive hoods and other badges that marked their higher degrees, and leaving the impressive splendour of crimson velvet in Parliament for princes of the blood-royal. Accordingly, on the 24th of April, there was a new Order of the Council on the subject, in exact conformity with his Majesty's letter (pp. 208, 209); and it was the uniformity of the regulation cloth of scarlet in the garb of all the nobles present in the Parliament of Perth in July 1606, whatever their rank, that caused that Parliament to be called *The Red Parliament.*

The assumption by King James of the perfect supremacy of his own single will within the bounds of Scotland, visible even in such a trifle as the foregoing, permeates all the weightier matters of Scottish history from 1604 to 1607 the records of which compose the present volume. So far as these can be exhibited in this Introduction, they may arrange themselves under the following heads:—I. The Union Negotiations; II. Continued Design for the Subversion of the Presby-

TERIAN SYSTEM OF THE KIRK; III. MISCELLANEOUS MEASURES OF ADMINISTRATION.

I. THE UNION NEGOTIATIONS.

Nothing is more creditable to King James than the strength of his passion for such a union of the two kingdoms and peoples as might fitly follow the union of the two crowns. The intensity of his conception of the desirable union is not more remarkable than its thorough-going generality. For centuries the main island of Britain had been divided politically into an England and a Scotland. There had been fierce wars between the two nations, and there was still an inheritance of international animosity; but, now that the crowns of both nations had been happily united in his own sacred person by the divine right of legitimate descent from the former sovereigns of both, was not that a signal that the division and the animosity were henceforth to cease? Why should not the inhabitants of the whole island, from the Channel to the Orkneys and the Shetlands, be henceforth but one body-politic? and why should not all names, all laws, all customs, that interfered with the recognition of that now possible unity be at once abolished? The two nations, indeed, might still retain, for a while at least, their separate apparatus of legislation and administration, their separate Parliaments, Privy Councils, and Law Courts; but, short of a perfect legislative and juridical union, for which time was not ripe, how much might be done! What had hitherto been the "Borders" or "Marches" between the two kingdoms,—that rough and turbulent region dividing them like a saw,—were they not now simply the "Middle Shires" of one and the same dominion, and ought they not to be rechristened by that name? Nay, why should the distinctive names of *Scotland* and *England* themselves be perpetuated more than reference to the past might make inevitable? Why should they not be known henceforth simply as *North Britain* and *South Britain*, integral parts of one and the same GREAT BRITAIN?

At pp. 604–605 of our last volume we saw that, James

having strenuously recommended the subject of the Union to his first English Parliament in his opening speech to that Parliament on the 19th of March 1604 (*i.e.* 1603 in the English reckoning), but the matter not having been taken up there so soon as he expected, the Scottish Parliament which had been called for the 10th of April, expressly that it might co-operate in the same great business on the Scottish side, stood prorogued to the 24th of the same month. When the Scottish Parliament did meet in Edinburgh on the appointed day, as is explained in footnote pp. 2–3 of the present volume, it was only to stand adjourned again till the following July, and then to meet at Perth. The King had been still pressing the subject of the Union on the English Parliament and his English Councillors; but the alacrity on the subject on the English side had by no means been great. At length, however, the English Parliament did go so far as to nominate a body of forty-four Commissioners, of whom fourteen were Peers and the rest Commoners, who were to meet with a similar body of Scottish Commissioners to be nominated by the Scottish Parliament, so that, by the joint deliberations of the two bodies, the subject might be matured for further treatment by both Parliaments. For the names of the English Commissioners see *Parliamentary History of England* i. pp. 1022–23, or *Spotswood* p. 480. Suffice it here to say that Lord Chancellor Ellesmere, Lord Treasurer the Earl of Dorset, and Secretary Lord Cecil were among the Peers of the body, and that Sir Francis Bacon was one of the representatives of the Commons. How anxious the King was that the Scottish Parliament should follow suit appears from the series of six Royal Letters which will be found at pp. 457–461. Accordingly, when the adjourned Scottish Parliament reassembled in Perth on the 3rd of July, they confined themselves, as they had been instructed, almost entirely to the subject of the Union, and appointed that body of thirty-one Scottish Commissioners whose names will be found in our footnote at p. 5. This was as far as things had advanced on the 11th of July 1604, when the Scottish Parliament broke up, the session of the English Parliament having closed four days before.

Not till the end of October 1604 were the Scottish Commissioners, or the majority of them, in Westminster, to begin their important conferences with the English Commissioners. Meanwhile the King had not hesitated to take such steps in the direction of the Union as he thought he might venture upon by his mere prerogative. His right to abolish the name of "The Borders" and substitute that of "The Middle Shires" had been assumed almost since the day of his departure from Scotland. That was a trifle, however, in comparison with his attempt by his own royal authority to abolish the names *England* and *Scotland* in all general documents, and to enforce the adoption of the name of GREAT BRITAIN. At pp. 16–17, under date 15th November 1604, will be found the registration by the Scottish Privy Council, then sitting in Edinburgh under the presidency of Lord Newbattle, of a proclamation which the King had already issued in England, and now commanded to be published also in Scotland. The purport is that he has resolved to assume "the style and tytill of King of Greit Britane, France, and Ireland," and that accordingly this style and title shall "be used "in all proclamationis, misseives, treateis, leagues, dedicatiouns, "impressiouns, and all cases of the lyke nature, in tyme "cuming, dischairging and discontinewing the severall names of "Scotland and England to be expressit in our tytillis, except in "legal proceedingis, instrumentis, or assurances of particular "parteis quhilk by the said alteratioun may be prejudgit." Actually, in conformity with the principle of this proclamation, orders had been given for striking new gold and silver coins commemorative of the Union, and also for the adoption of a common flag, in which the cross of St Andrew should be quartered with that of St George. In the matter of community of coinage see one or two entries in pp. 17–18.

While the King was making such haste personally in his favourite project,—more haste, Spotswood tells us, than was liked in either kingdom,—the elaboration of that more practical form of the proposed Union which it was hoped the Parliaments of both kingdoms would at once accept and enact was going on more quietly in the conferences between the two sets of Com-

missioners at Westminster. Next to Lord Fyvie, whose particular share in these conferences is mentioned in the footnote at p. 23, the most active Commissioner on the Scottish side was Advocate Sir Thomas Hamilton, while the chiefs in the conferences on the English side were indubitably Secretary Cecil (now Viscount Cranbourne) and Sir Francis Bacon. In Bacon's essay *Of Counsel* there is an interesting recollection of the meetings of this international Commission for the Union and of his own part in them. He calls it a "grave and orderly assembly," and praises its method of conducting business. In fact, after the Commissioners had sat for about five weeks, and had discussed point after point deliberately and come to agreement on each, it was to Bacon, on the English side, and to Advocate Hamilton, on the Scottish, that there was entrusted conjointly the task of adjusting the conclusions, and expressing them in the exact form and order in which they were signed and sealed, as the conclusions of the whole Commission, at their final meeting on the 6th of December 1604. It is curious now to imagine the great English philosopher and "Tam o' the Cowgate" thus seated together for perhaps two or three evenings over the document that was to descend to posterity as the *Draft Treaty of Union between England and Scotland*, and to speculate how shrewdly "Tam o' the Cowgate" must have looked after the substance of the document, while he may have deferred to Bacon's superior expertness in strictly English idiom and wording. For the series of the Articles *verbatim* see Spotswood pp. 481–486. The following is a summary of the chief recommendations:—

I. General.—All hostile laws made by either kingdom against the other to be utterly abrogated.

II. The Borders.—All laws, customs, or treaties hitherto peculiar to the Border Counties, English or Scottish, to be abrogated; the name of "The Borders" to be discontinued; and the inhabitants of those parts to be subject in future to the ordinary laws of their respective kingdoms. Provision to be made by the Parliaments for settling cases of Border claim or wrong standing over from the old *régime*, and also for the maintenance of good order in those districts for the future.

III. Commerce.—The English to be free to import any native production of England into Scotland, and the Scots any native production of Scotland

into England, subject to exceptions hereinafter specified.——In the more difficult question of importation of legitimate commodities from France, complicated as that was by the tradition of certain privileges of the Scots in France over the English by reason of the long alliance between France and Scotland, the arrangement might be in this form:—(1) The existing inequality in the trade with Bordeaux being nothing to speak of, Englishmen and Scotsmen to be alike free at once to import the wines and other commodities of Bordeaux into either kingdom, Scotsmen importing such into England to pay the English customs and duties, and Englishmen importing such into Scotland to pay the Scottish customs and duties; (2) for equalising the rights of trade with other parts of France, two discreet persons from each kingdom to be sent to France to ascertain and estimate the exact advantages at present possessed by either nation over the other, the report of these agents to determine the amount of equalisation necessary, and the equalisation then to be effected by a proportionate difference in the customs.——The legitimate import trade from all other foreign parts into England or Scotland to be equally free to the subjects of either kingdom.——The export trade from either England or Scotland to foreign countries to be similarly free to the subjects of both, except in articles the export of which stands forbidden by the existing laws of either; in all which cases the prohibition of export to hold good for Englishmen and Scotsmen alike.——Carriage of native English products and manufactures into Scotland to be subject to no impost, custom, or tax, but to be as free as carriage from one part of England to another; and so, *vice versa*, for the carriage of native Scottish products and manufactures into England: with these exceptions:—(1) wool, sheep, sheep-skins, cattle, leather, hides, and linen yarn not to be transferable from the one country to the other; (2) the Scottish inland fisheries in lochs, firths, and bays, and the Scottish sea fisheries within fourteen miles of the coasts, to be reserved for the Scots exclusively, and the corresponding English fisheries for the English exclusively.——Imported foreign wares that have once paid custom at any port in England or Scotland, and belong to the King's subjects in either kingdom, to be liable to no further duty in passing out of England into Scotland, or *vice versa*.——Scottish men not to be debarred from being partners in any company of English merchants, nor Englishmen to be debarred from being partners in any similar Scottish company.

IV. Mutual Naturalisation.—(1) As regards the *post-nati*. These, consisting of all natives of either kingdom born, or to be born, after the accession of James to the throne of England, to be "for ever enabled to "obtain, succeed, inherit, and possess all goods, lands, and chattels, honours, "dignities, offices, liberties, privileges, and benefices ecclesiastical or civil, "in Parliament and all other places of the kingdoms, and every one of the "same, in all respects and without any exception whatsoever, as fully and "amply as the subjects of either realm respectively might have done, or "may do, in any sort within the kingdom where they were born." (2) As regards the *ante-nati*, or natives of England or of Scotland born before the said date. To promote the Union, and to testify con-

fidence in his Majesty, it ought to be enacted that all such *ante-nati* should be "enabled and capable to acquire, purchase, inherit, succeed, use, "and dispose of all lands, goods, inheritances, offices, honours, dignities, "liberties, privileges, immunities, benefices, and preferments whatsoever, "each subject in either kingdom," with the exception only of crown offices, judgeships, and places or offices in Parliament; even this exception to be qualified by "a sufficient reservation of his Majesty's "prerogative-royal to designate, enable, and prefer to such offices, honours, "dignities, and benefices whatever in both the said kingdoms, and either "of them, as are heretofore excepted in the preceding reservation."

This Treaty of Union, of which three copies were ready on the 6th of December 1604, signed and sealed by thirty-nine of the English Commissioners and twenty-eight of the Scottish,—one copy for the King, one for the English Parliament, and one for the Scottish,[1]—awaited from that date the consideration of the two Parliaments. As the English Parliament, which had been prorogued to 7th February 1605, was again prorogued on that day to the 3rd of October, and then again to the 5th of November, and as it was useless to hold a Scottish Parliament to discuss the Union till the English Parliament should also be ready, whatever progress could be made meanwhile in the direction of the Union had to be in the form of Orders in Council,—*i.e.*, enactments by his Majesty himself, through his English Privy Council and Ministry on the one side, or, on the other, through that Scottish Privy Council and Ministry in which, as we have seen, Lord

[1] The original of the Scottish copy still exists, and may be seen in the Register House, a somewhat frayed, but very interesting, parchment. It bears the following signatures on the English side:—T. Ellesmere, Canc.; T. Dorset; Notingham; H. Southampton; Pembroke; H. Northampton; Cranborne; Ric. London, elect. Cant.; Tobie Duresme; Anth. Meneven; E. Zouch; W. Mounteagle; Ra. Eure; E. Shefeilde; Ro. Buckhurst; Francis Hastings; J. Stanhope; J. Herbert; E. Stafford; Henry Nevill; Rich. Bulkeley; Henry Billingsly; Daniel Dun; Robert Wrothe; Tho. Chaloner; Robert Mansell; Th. Ridgeway; Tho. Holcroft; Tho. Hesketh; F. Bacon; Lawr. Tanfelde; Henry Hobarte; Jo. Benet; Henry Widdringtun; Ra. Gray; Tho. Lake; Robert Askwithe; Thomas James; H. Chapman. The Scottish signatures are the following:—Montroiss Can^{rius}; Errol; Linly^{t}g^{w}; Jo. Glasgow; David Ross; George Caythnes; Blantyre; Glamiss; Elphinstoun; Fyvie; Roxburghe; J. Abercorne; J. Balmerino^{t}; Scone; Robert Melvill; J. Scrymg^{r} of Dudhop; J. Cobburne; Sr J. Home; D. Carnegy Kinnard; S. Thomas Hamilton; Laurenstowne; J. Balcomie; Jo. Sharpe; S. Johne Skene; Alexander Rutherfurd; George Bruce; T. Craig; Alexander Wedderburne.—For a facsimile of the entire document see *Nat. MSS. of Scotland*, III. No. 85.—For Bacon's special concern in the conferences for the Union, and for his zealous and continued endeavours to forward the King's design of the Union generally, see vol. iii. of Spedding's *Letters and Life of Bacon.*

Fyvie had returned from London in February 1605 to act as Chancellor and Premier, with his new title of Earl of Dunfermline. Such Orders of Council there were. See at pp. 464–465 the royal warrant of 11th February 1605 for reforming the great seal, privy seal, and signet of Scotland; and see at p. 54 the effects of this Order in certain Acts of the Scottish Privy Council, of dates 4th and 6th June 1605, relating to the seals and the mint. The injunctions at p. 63 to Alexander Simpson, the Haddington postmaster, for regularity and punctuality in the conveyance of packets in the public service going to his Majesty in England, are not without significance in the same connection, and are curious in themselves. To the month of July 1605 belongs the Proclamation of the Scottish Privy Council at p. 81 forbidding all Scottish subjects to maintain by violence any claims they may have against Englishmen upon the debateable lands between the two kingdoms; and in the same month there appears the interesting correspondence at pp. 472–473 between the English Privy Council and the Scottish as to the appointment of the two Scottish agents to be sent into France with the two English agents, to inquire and report, in terms of one of the proposals of the Treaty of Union, as to the relative privileges of the English and the Scottish merchants hitherto in all trade with France distinct from the Bordeaux wine trade. Entries at p. 113 and p. 118 show that the election of the two Scottish agents was referred by the Council to the Commissioners of the Burghs, and that the business was not complete till August. The Order at p. 130, under date 3rd October 1605, commanding all levies of Scotsmen for service abroad to embark at Scottish ports, and not pass through England, is peculiarly significant. The chief obstacle to the Union in England was dread of an influx of "hungry Scots"; and there had been complaints that bands of Scots, seeking employment on the Continent, took England on their way, and committed insolencies and depredations.

On the 5th of November 1605, when the English Parliament should have reassembled, London was convulsed by the discovery of the Gunpowder Plot. Prorogued again to the 9th of the same month, the Parliament did meet that day, and did receive

its copy of the Treaty of Union of the preceding December; but, after it had been addressed by the King, and reminded by him of this great business among others, it was prorogued once more. All thoughts were occupied for the time with the Gunpowder Plot and the proceedings which it occasioned. The whirl of the excitement extended even to Scotland. This is attested chiefly by three documents in the present volume, all relating directly to the Gunpowder Plot, and all of date November 1605. At pp. 476–477 will be found the letter of mingled horror, condolence, and congratulation, addressed to the King by the Scottish Privy Council after they had received the tremendous news; at p. 142 will be found the hue-and-cry of the Scottish Council for the arrest of the arch-conspirator Thomas Percy, then supposed to be in flight towards Scotland, with a curious description of his person and physiognomy; and at pp. 148–149 is a proclamation for all the fencible men in Scotland to hold themselves in readiness to rise for the defence of his Majesty, the royal family, and the Government, should there be any relics of the Plot requiring their services.

The second actual session of King James's First English Parliament began on the 21st of January 1605–6, and extended to the 27th of May 1606. It was spent mainly on measures growing out of the Gunpowder Plot, on English ecclesiastical questions, and on questions of supply; but the business of the Union *was* nominally resumed, though only to be put in shape for further treatment. Hence, that the two nations might move *pari passu* in the matter, the Scottish Parliament which sat at Perth from July 3 to July 11 in the same year, and is remembered as "The Red Parliament," simply acknowledged the receipt from Lord Commissioner Montrose of their copy of the Treaty of Union as it had been drafted by the Commissioners, and postponed consideration of it. Shortly after the Parliament had risen, however, there was an incidental reference to the affair of the Union by the Scottish Privy Council. There had been complaints among the Scottish mariners, and owners and masters of ships, that in the new Union flag which had been sanctioned by royal authority a slight had been done to the Scottish nationality,

inasmuch as "the Scottis Croce, callit Sanctandrois Croce, is "twyse divydit, and the Inglishe Croce, callit Sanct George, "haldin haill, and drawne through the Scottis Croce, whiche is "thairby obscurit, and no takin nor merk to be seene of the Scottis "armes." On this subject, accordingly, the Council sent the letter to his Majesty, of date 7th August 1606, which will be found at pp. 498–499, forwarding to him at the same time two new patterns of the flag which had been furnished them, either of which, they were assured, would be unobjectionable.

In the Third Session of the English Parliament the business of the Union was taken up in earnest. The session began on the 18th November 1606, and was opened by another speech from the King in which the subject was again pressed upon the attention of the two Houses; and the two Houses immediately set to work on the document which had been drafted by the Commissioners two years before. They distributed the recommendations of the document into their several heads, settled which of the heads might be most appropriately argued in the Commons and which in the Lords, and held conferences to ascertain the general drift of opinion in the whole matter. From this labour they were relieved by a short adjournment from 18th December 1606 to 10th February 1606–7; but on this latter date they resumed the labour; and thence to the close of the session on the 4th of July 1607 the debates in both Houses were on the Union and little else. The most important debate was that in the Commons, on certain days in February, on the subject of the proposed Naturalisation of the Scots in England, the *post-nati* to all English rights and privileges whatever, and the *ante-nati* in more limited fashion. A fragmentary report of it will be found in the *Parliamentary History of England*, vol. I. pp. 1081–1098. By far the greatest and most interesting speech was that of Sir Francis Bacon in favour of the Naturalisation. While arguing wholly from the English point of view, as if the Union was to be really the absorption of Scotland into England, and while abstaining from every word that might seem to imply partiality to the Scots, he did more than any other speaker on the same side to vindicate the statesmanlike character of the

King's views and intentions. He even intimated that, for himself, he went beyond the Draft Treaty, and would have preferred a complete fusion of the nations by a Parliamentary and Legislative Union. Probably in this he was aware that he was expressing what was also in his Majesty's mind. At all events, no one did his Majesty such a service in the debate as Sir Francis Bacon; and James was the less likely to forget it because of the extraordinary contrast between it and the adverse speeches of not a few of Bacon's fellow-members. The anti-Scottish feeling which had been growing in England, and especially in London, since his English reign began, and which had been fed almost to rage by the promotion of so many Scottish favourites at the English Court, and by the appearance of so many Scottish immigrants of the poorer sort in quest of English livelihoods, found vent now in the House of Commons, and broke through all forms of Parliamentary restraint. The most insulting and nettling things to Scottish pride were said by some of the speakers in the Naturalisation debate. "Suppose "one man is the owner of two pastures, with one hedge to divide "them, the one pasture bare, the other fertile and good: a wise "owner will not quite pull down the hedge, but make gates to "let the cattle in and out at pleasure; otherwise they will rush "in in multitudes, and much against their will return." This was the illustration used by one speaker, and with such acceptance that it fastened on the imagination of the House and reappeared again and again in the course of the debate. But this was nothing compared to the language used by Sir Christopher Piggott, one of the Knights for the county of Bucks. There were "well-deserving Scots," he admitted; but were not many of the Scots "murderers, thieves, and rogues," and was there not one damning peculiarity in Scottish history generally? "They "have not suffered above two kings to die in their beds these "200 years; *our* king hath hardly escaped them; they have "attempted *him*": why let them in to repeat their pranks on him and his successors in England? This was too much; and, though Sir Christopher was not called to order at the moment, the House reverted to his offence three days afterwards, obliged

him to receive a severe reprimand on his knees, committed him to the Tower, and declared his seat for Bucks vacant. This was on the 18th of February 1606–7. For further particulars of the story see footnote at pp. 513–514 and the highly curious correspondence between the Scottish Privy Council and the King over the affair in the text at pp. 512–513 and pp. 517–518. The Scottish Council, while expressing in their part of the correspondence their indignation at Sir Christopher Piggott's insulting words, and at other affronts to Scotland in the course of the debate, intimate that it is solely or mainly to please his Majesty, and out of deference to his Majesty's great wisdom, that the Scots have hitherto been apparently so favourable to the Union, and hint that it might be well if the anti-Scottish zealots in the English Parliament should know this, and be informed that, if his Majesty saw fit to drop the scheme of the Union altogether, very few Scotsmen would break their hearts. Something to the same effect is discernible at p. 340 in the brief minute in the Council's Register, under date 24th March, of their resolution to send Secretary Balmerino to London to thank his Majesty and convey to him farther "thair simple judgementis and opinioun "anent the mater of the Unioun." There was, however, no sign of any desire on the King's part to drop the Union scheme, either in consequence of the strong opposition in the English Commons or in consequence of the lukewarmness of the Scottish Council. On the contrary, he had the two Houses of the English Parliament before him at Whitehall on the 31st of March, and made another long speech to them, remonstrating with them on their delay and opposition, answering objections, and urging haste. This having had no effect, he made another and briefer speech to them on the 2nd of May, in which he hinted that, if they were still obstinate, he might have to divide his presence between the two kingdoms, spending a year in England and a year in Scotland alternately, or might have to remove his Court to York, as conveniently intermediate between London and Edinburgh. All in vain! When the English Parliament broke up on the 4th of July 1607, the only instalment of Union legislation that had been put on the statute-book was an Act which had

passed both Houses on the 30th of June, under the title of "An "Act for the utter abolition of all memory of hostility, and the "dependents thereof, between England and Scotland, and for "the repressing of occasions of disorders, and disorders in time "to come." Thus, the sole portion of the Treaty of the Commissioners of December 1604 accepted by the English Parliament as late as July 1607 was the first or most general portion, under the head of *Hostile Laws*. The more important and intricate questions, appertaining to the *Borders*, *Commerce*, and *Mutual Naturalisation*, remained undetermined; and any advances that might be made towards Union in these respects were left to the exercise of the King's power in the shape of Proclamations or Orders of Council, so far as that would stretch, or to the operation of the Laws of England as administered by the Judges.

While the Union negotiations were thus running aground in the English Parliament, there had been some attempts on the part of the Scottish executive to further at least freedom of commercial intercourse by regulations and decisions as to customs on goods between England and Scotland. See p. 519 (Royal Letter), p. 347, and p. 392. In proof also of the anxiety of the Scottish executive to remove that objection to the Union which was furnished by the influx of unrespectable Scots into England, see the Act of June 2 (p. 377) for stopping the flight into England of "horners," or Scottish persons outlawed for debt or any kind of crime, and the more general Act of June 4 (p. 381) for stopping the transportation to England by sea of "beggarlie "passengeris" from Scotland of any denomination whatsoever.

After the break-down of the Union Treaty in the English Parliament, we might have expected to hear no more of the subject in a Scottish Parliament. In fact, however, the Scottish Parliament which met at Edinburgh on the 3rd of August 1607, under the presidency of the Duke of Lennox as High Commissioner for the King, addressed itself most magnanimously to the Union business; and, when it rose on the 11th of August, the first and chief of its thirty-five Acts was that elaborate and complete Act anent the Unioun of Scotland and England which now fills five and a half folio pages of double columns in

the printed Acts of the Scottish Parliaments (IV. 366–371). This Act not only repealed all general *Hostile Laws* against the English then standing in the Scottish statute-book, thus repaying the action of the English Parliament in that trifle with a sufficient *quid pro quo*; but it incorporated bodily all that the Commissioners for the Union had proposed under the several heads of *The Borders*, *Commerce*, and *Mutual Naturalisation*, taking the most generous view of every particular question, and formulating the details under each with the most business-like precision. Only in the end of the Act there were these words at once of sting and of safeguard :—" And, forsamekle as the foir-
" saidis Estaittis of this Kingdome of Scotland hes maid,
" grantit, and consentit to all the actis and statutis befoir
" specefeit, and to all the speciall liberteis and privileges thairin
" contenit, upoun provisioun and conditioun onlie that the
" foirsaid Unioun shall procede, work, and tak the lyk finall end
" and effect upoun the pairt of the Estaittis of England in
" favoris of Scotland, eftir the forme and tennor of the foirsaid
" Treatie of Unioun and conclusionis thairof aggreit and accordit
" upoun be all the foirsaidis Commissionaris of both Kingdomes
" the tymes foirsaid, and na utherwayes, thairfoir the saidis
" Estaittis of Scotland statutis, determinis and declaris that all
" the abonewrittin actis, liberteis, privileges, and ilkane of
" thame, and everie heid, article, and member thairof, shall ceis,
" abyd suspendit, and be of na strenth, force nor effect heireftir,
" ay and quhill, and unto the speciall tyme that, the Estaittis of
" England, be thair actis and statutis in Parliament, decerne,
" grant and allow the samin and als mony actis, privileges,
" liberteis, fredomes and immuniteis to the subjectis of the
" Kingdome of Scotland, to be injoyit and bruikit be thame
" within the Realme of England, conforme to the foirsaid Treatie
" in all pointis."

Accompanying the copy of this Act which went to the King in England, there was a special letter from the Parliament to his Majesty, conveying to him their more private reflections, and their real and final state of mind on the whole subject of the Union. It will be found at pp. 534–537, and is well worth

reading. The first part of the letter refers to a misconstruction in the English Parliament of certain words in that Act of the Scottish Parliament of 1604 by which the Scottish Commissioners for the Union had been appointed and empowered to deal with the English Commissioners, and renders profound and profuse thanks to the King for the care and ability with which he had answered that misconstruction in his great speech to the English Parliament on the 31st of March last. As the circumstances of that matter are fully explained in the footnote at pp. 537, 538, we need attend here only to the rest of the letter:—"As it is trew, and we can nevir denye," say the Scottish Estates, "that for oure particulair conforte we could "haif wished that oure native King, by whose cairfull governa- "ment and providence we have heirto and do still injoye so "much blessed quietnes, sould haif had no other clame by richt "to ony other greatair Kingdome, by his possessing quhairof we "sould have bene depryved (as, allace! we now ar) of that "confortable light and beames of your soneshyne quhairin we "leved as in a perpetuall floorisheing sommer, so can we not bot, "for the generall felicitye of the hole Yle, nay of all Cristen- "dome, speciallie of sa mony of thame as professis the Gospell "with us, and for the perpetuall honnour thairby fallin upoun "your Majestie and youre posteritie, not onlie be content to "burey this oure particulair greif in the lake of perpetuall "oblivioun, bot evin to rejose and be parttakaris of that greate "and generall joy. As for oure affectionis in this mater of the "Unioun, as we freelie confes we haif no greate nor earnist "desyre or thrist of it for oure pairticularis, for the reasonis "befoirsaid, as lykewayes that we may still hoipe to be often "refreshed by your Majesteis presence and gratious aspect, and "that your presence (yf so wer) sould alswele as your hairt be "equalie divydit betuix us, so on the other parte we nevir "meanit to be so frowarde as to resist to ony so greate and "goode a worke, wherby we sould not onlie be repugnant to "youre Majesteis goode will and pleasour, bot evin to the "establisheing and setling of the foundationis of so greate and "pouerfull a monarchie." In other words, the Scottish Estates

had passed their Act of Union purely to gratify the King, and would not mind much if, by the continued anti-Union obstinacy of the English Parliament, the Act should turn out a dead letter, especially if that result should induce his Majesty to revisit his native land as often as possible, and be himself in that way a living link between his two realms. And so, in August 1607, James's great Union Negotiation may be said to have ended in failure. It might reappear in future English Parliaments; but, practically, as far as England was concerned, the last word had been spoken.

II. Continued Design for the Subversion of the Presbyterian System of the Kirk.

The King's success in his cherished design of asserting his supremacy over the Kirk of Scotland as well as over the State had been very considerable even before his removal to England. Not only, by his strenuous management of the Edinburgh Presbyterian Tumult of December 1596, and then of the Gowrie Conspiracy of August 1600, had he subdued the spirit of the main body of the clergy, and terrified them into comparative silence and inactivity; but, by his dexterous manipulation of some of the more recent General Assemblies of the Kirk, and by his influence in private councils with some of the clerical leaders, he had introduced changes leading to the subversion of that Presbyterian constitution of the Kirk which had been definitively established, it was supposed, by Chancellor Maitland of Thirlstane in 1592, and had remained intact for the next four or five years. There had been an introduction of Prelacy, name and thing,—not indeed in a form very effective for practical purposes, or on the popular mind, or even on the professional habits and ideas of the clergy, but still in a certain form. Several clergymen were going about with the title of bishops of certain dioceses, and were qualified to sit in Parliament, and also, if the King chose, in the Privy Council, with that title; and there was no challenge now of the King's power to appoint more such. What was needed for the complete de-Presbyterianising of the

Kirk was, in the first place, a multiplication of these titular Bishops till the old scheme of the Scottish Episcopate, with its two Archbishoprics and eleven subordinate Bishoprics, should be revived in full, and then, in the second place, the conversion of such merely titular Bishops into real Bishops, with due powers and emoluments, so that the Church government of Scotland should thenceforth, like that of England, be by a regular episcopal hierarchy, with the King for its head. All this had been fully conceived by King James while he was still in Scotland, and he had carried the conception with him into England. Even in his journey into England he had done something towards strengthening the incipient Episcopacy he had left in Scotland. News of the death of James Beaton, the exiled old Roman Catholic Archbishop of Glasgow, having reached him during that journey, and the Glasgow Bishopric or Archbishopric being thus at his disposal, he had bestowed it on Mr John Spotswood, minister of Calder, who was one of his travelling retinue, and had sent Spotswood back to increase the small Protestant episcopal staff already existing in Scotland in the persons of Mr David Lindsay, Bishop of Ross, Mr George Gledstanes, Bishop of Caithness, and Mr Peter Blackburn, Bishop of Aberdeen.

So enormous, however, was the difficulty of the enterprise that it may be doubted whether King James would have been able to persevere in the conception, or at all events to carry it much farther into effect than he had already done, but for his accession to the throne of England. Certain it is that it was from his new residence in England, from 1603 onwards, that he struck that series of blows at the Scottish Presbyterian system which has caused his Scottish reign as a whole to be remembered now chiefly for its ecclesiastical achievements and their consequences. One can imagine various ways in which James's migration to England increased the resoluteness, and aided the success, of his Kirk policy in Scotland. In the first place, he had now the advantage of acting from a distance, away from the Presbyterian clergy and their pulpits, out of the commotion that might be roused among them or among the Scottish people by any of his decrees, and delegating all such inconveniences to his

resident Scottish Councillors and other agents. In the second place, the sense of the prodigious increase of his power and dignity consequent on his accession to a greater kingdom must have imparted new energy to his determination to be autocrat in Scotland in ecclesiastical matters as well as in civil. But, further, James cannot but have been much influenced by the contact into which he was brought in England with a great Established Church organised throughout on the hierarchical or episcopal principle which he favoured. There it stood, solid and strong, the approved Church of all England, with the exception of that minority of theoretical Nonconformists within its bounds who were called the *Puritans*, and were in fact advocates of a Church Reform in the Presbyterian direction, and with the further and less measureable exception of those more extreme Nonconformists, not yet recognised as respectable, who eluded the police here and there in illegal conventicles, and were known as the *Separatists* or *Brownists*. Immediately after James's arrival in England he had been called upon to decide between the Episcopal Church of England and the Puritans, and he had declared himself at once and unhesitatingly in favour of the Episcopal Church. Was his Kirk-policy in Scotland to be inconsistent with his Church-policy in England? What was Scottish Presbyterianism but Puritanism established and triumphant in his smaller kingdom, while it was depressed and dejected in the larger? Were there not sentimental relations already between the Scottish Presbyterian kirkmen and the English Puritan ministers; might not these tend even to political conjunction; and, at the very least, would not the perpetuation of a Presbyterian Kirk in North Britain be an anomaly in the island, and a constant encouragement and incentive to Puritan attacks on the Church of South Britain? There can be no doubt that James put these questions to himself in these very forms, and that his anti-Presbyterian policy in Scotland derived new vigour from the pressure upon him of these purely English considerations. The Union of the two kingdoms on which James had set his heart included an identity of constitution between the Churches of South Britain and North Britain, or at least an

assimilation of the Church of North Britain to the Church of South Britain. There seemed to be no need, however, to throw that very perplexing business into the already seething cauldron of the Union negotiations between the two Parliaments. He would manage it himself.

Above all it was necessary that his procedure in his design should be slow and gradual. Hence it is not till September 1604 that we find in our present volume an entry of a specially significant character ecclesiastically. See, at pp. 13–14, the Proclamation, sent from Hampton Court on the 27th of that month, forbidding extraordinary meetings of the Scottish clergy; and see the appended footnote at p. 14, explaining the occasion and the circumstances. James, it appears, had resolved that the first stage of his renewed battle with the Presbyterian clergy should be over the question of their right to hold Assemblies. The very soul of the Presbyterian system consisted in this right. The Kirk of Scotland was a Presbyterian Kirk simply by reason of its organised and graduated machinery of periodical meetings of the kirkmen for the discussion and regulation of kirk affairs. There were the *Presbyteries*, or monthly courts of the clergy of particular towns or small districts; superior to these were the *Provincial Synods*, or larger ecclesiastical conventions for shires or groups of shires; and supreme above all, and deciding all kirk-matters in last resort, were the great annual representative gatherings, or ecclesiastical Parliaments of the whole nation, called General Assemblies. Strike at any part of this organisation, and the Presbyterian system was injured; abolish the General Assemblies, or even interrupt the series of them, and the Presbyterian system was ruined. James had resolved now to strike at the General Assemblies. Since the Reformation there had been an unbroken series of sixty-six such General Assemblies, annual or sometimes more frequent; and the strict Presbyterian theory was that the Assemblies depended on each other like a chain, each Assembly before it rose appointing by its own authority the day on which its successor should meet. That theory had been long contested by James, on the ground that the consent of the Crown was necessary to the holding of the

Assemblies, and to the specification of the times when they should meet. There had been a practical compromise on the subject, however; and, in the last General Assembly which had met in Scotland before James's removal to England,—the Assembly at Holyroodhouse in November 1602,—it had been definitely settled that the next General Assembly should be held at Aberdeen in July 1604. The interval of twenty months was unusually long; but there was no general objection on that head. When July 1604 had come, however, the King having then been about fifteen months in England, and when it was announced that the Aberdeen Assembly was not to be held after all, one can imagine the excitement among the Presbyterian clergy. Three Fifeshire clergymen, bolder than the rest, did go to Aberdeen on the appointed day to make a formal appearance and protest; and very soon the clergy in all the shires, or in some of the shires, were expressing their dissatisfaction in their ordinary presbyterial and synodal meetings, or in extraordinary meetings *pro re nata* (footnote, p. 14). Hence the above-mentioned Proclamation of September 1604, condemning the agitation and forbidding its continuance under pains and penalties. Nominally it was a Proclamation against extraordinary or illegal meetings only; but in reality it was an assertion of the King's right to postpone or discontinue General Assemblies at his pleasure.

The agitation died out at last, the more easily because it was understood that the postponed Assembly would be held at Aberdeen in the following year. Indeed, missives had gone out from the proper authorities appointing the first Tuesday of July 1605 as the day for the Assembly. As July 1605 approached, however, the news spread that his Majesty had again countermanded the meeting. On this there was, of course, renewed excitement; and, a number of the Presbyteries having by that time elected their delegates to the Assembly, it became known that some of these delegates meant to go to Aberdeen at all hazards and assert the rights of the Kirk by at least constituting the Assembly. Hence, on the 20th of June 1605, the two important documents, emanating from the Scottish Privy

Council, which will be found at p. 62 and p. 471. One was a formal Act of Council ordering charge to be given, by personal intimation and by open proclamation at the market-cross of Aberdeen, to all ministers intending to hold the Assembly to desist from the attempt under pain of "horning,"—*i.e.*, of being denounced as rebels,—with charge also to the Provost and Bailies of Aberdeen to allow no such Assembly within their bounds. The other was a letter, in a much milder strain, to be conveyed to Aberdeen by the Laird of Lauriston, his Majesty's Commissioner for the Kirk, and delivered by him to the ministers he might find there, reminding them that his Majesty would "very hardlie degeist" any attempt to hold the Assembly without his permission. It was afterwards thought that there was a kind of intimation in the mild strain of this letter that, if the ministers only constituted their assembly and then dissolved without proceeding to any real business, that would be taken as sufficient obedience; and this view was supposed to be favoured by certain words that had passed in private talk in Edinburgh between some of the Councillors, Chancellor Dunfermline among them, and one or two of the leading Presbyterian clergy. But it turned out very differently. *The Attempted General Assembly at Aberdeen* was to be a very serious thing for those concerned in it, and a very fatal event in the History of the Church of Scotland. For a detailed account of the facts and circumstances of the Assembly itself, see the footnote pp. 83–85, with part of the footnote at pp. 123–125. The substance is as follows:—On Tuesday the 2nd of July 1605 nineteen parish ministers, chiefly from Aberdeenshire and other northern shires, but some of them from the south, did meet in Aberdeen as representatives of their respective Presbyteries. They were Mr John Forbes of Alford, Mr Robert Durie of Anstruther, Mr Andrew Duncan of Crail, Mr John Sharp of Kilmany, Mr Alexander Strachan of Creich, Mr Charles Ferme of Fraserburgh, Mr Robert Youngson of Clatt, Mr James Irving of Touch, Mr John Munro of Tain, Mr William Forbes of Kinbethock, Mr James Ross of Aberdeen, Mr Archibald Blackburn of Aberdeen, Mr James Mylne of Inverurie, Mr Alexander Scrogie of Skene, Mr James Melville of

Inverugie, Mr David Robertson of Fetterangus, Mr Robert Reid of Banchory-Ternan, Mr John Rothie of Nigg, and Mr William Davidson of Rathen. The Laird of Lauriston, making his appearance among them, intimated his instructions to prevent their meeting, and delivered to them the letter of the Privy Council requiring them to disperse. Partly on the ground that, as the letter was addressed to them collectively, they must constitute themselves an Assembly before receiving and answering it, partly in vindication of Presbyterian principles, they did constitute themselves an Assembly in regular form, by electing Mr John Forbes as their moderator, Mr John Sharp as their clerk, &c.; after which, in consideration of the smallness of their number, and to testify respect for his Majesty's wishes, they did dissolve without entering on any real business,—having previously, however, drafted or ordered that reply to the Privy Council's letter which will be found at pp. 471–2, dated "from our Assemblie at "Abirdeyne," and having also appointed the last Tuesday of the following September for another or adjourned Assembly at Aberdeen for real transaction of business. The Laird of Lauriston, who had been going in and out among them during their meeting, seems to have lost his head on the occasion, distracted between unwillingness to be very violent and anxiety to carry out his instructions effectively. He did in the end, however, protest that their meeting had been unlawful all along, refuse to have anything to do with their arrangement for adjourning to another day, and deliver to them by a public officer the charge of the Privy Council to dissolve under pain of horning. As they were on the point of dissolving at any rate, they wanted this public officer, who was also a notary, to attest their obedience to the charge; and, when he refused, they went at once to the chambers of the town-clerk of Aberdeen to have the fact formally certified. For a day or two there was considerable commotion in Aberdeen over the affair; and it was increased by the arrival, on Friday the 5th July, of at least ten more ministers, who had meant to be present in the Assembly, but had been delayed by stress of weather. These were Mr John Welsh of Ayr (son-in-law of John Knox), Mr Thomas Abernethy of

Hawick, Mr Nathan Inglis of Craigie, Mr James Greg of Loudoun, Mr Abraham Henderson of Whithorn, Mr John Young of Beith, Mr John Ross of Blair, Mr Archibald Dunbar, Mr Robert Mure, and Mr Archibald Simpson of Dalkeith. Finding the Assembly already dissolved, they contented themselves with adhering to all that their brethren had done on the preceding Tuesday and having their adhesion formally witnessed and registered. Thus twenty-nine clergymen in all had assumed the responsibility for the Aberdeen Assembly.

Had the Privy Council been left to themselves, the affair would probably have been allowed to pass without much notice. A fortnight, at all events, elapsed before they did notice it, and then it was in consequence of direct stimulus from his Majesty in England. The Laird of Lauriston, in reporting to the King what had happened at Aberdeen, had resorted to what all the Presbyterian authorities declare to have been "a great lee" invented to save his own credit,—to wit, that he had caused the charge prohibiting the Assembly under pain of horning to be publicly proclaimed at the market-cross of Aberdeen the day *before* the meeting. It hardly needed this aggravation of the offence of the ministers, however, to stir his Majesty's wrath and determine him to use to the utmost the opportunity that had been thrown into his hands. It was not enough that the Scottish Privy Council, on learning how his Majesty had taken the affair, passed the Act of July 18 which will be found at pp. 82–83, assuming the Laird of Lauriston's statement respecting the market-cross proclamation, and therefore declaring the ministers who had met on the 2nd of July to have incurred the pains of rebellion. A Royal Letter to Secretary Balmerino, which will be found at pp. 473–475, dated 19th July, instructs the Council that the Aberdeen Assembly was too heinous a crime in his Majesty's eyes for ordinary punishment, and orders the Lord Advocate and the Council to devise and institute more severe proceedings. For the effects of this letter, and of more private communications from his Majesty, as far as to the middle of October 1605, see a series of fifteen separate entries at pp. 92–93, pp. 101–103, pp. 104–105, p. 106, pp. 109–110,

p. 112, pp. 113–115, pp. 123–125, pp. 128–129, and pp. 475–476, with footnotes to some of them. For the exact particulars in their chronological order these entries must be read individually. The general result was that not only had proclamations gone over Scotland condemning the late Assembly at Aberdeen as an insolent rebellion, and not only had the adjourned Assembly appointed by that Assembly been stopped, and the appointment of it denounced as an additional insolence, but all the twenty-nine ministers who had been concerned in any way with the Aberdeen Assembly had been called to account before the Privy Council. *Sixteen* of these, expressing regret more or less, had been dismissed with admonition, or till the King's further pleasure should be known; but *thirteen* had been committed to prison to await further prosecution. In the castle of Blackness were Mr John Forbes of Alford, Mr John Welsh of Ayr, Mr Robert Durie of Anstruther, Mr Andrew Duncan of Crail, Mr John Sharp of Kilmany, and Mr Alexander Strachan of Creich, regarded as the chief culprits; and in various other prisons, by order of the Council on October 3, were Mr Charles Ferme of Fraserburgh, Mr John Munro of Tain, Mr James Irving of Touch, Mr William Forbes of Kinbethok, Mr Nathan Inglis of Craigie, Mr James Greg of Loudoun, and Mr John Ross of Blair. What was to become of those thirteen "imprisoned ministers" was the question of chief public interest in Scotland in October 1605.

On the 24th of that month the selected *thirteen* were again at the bar of the Privy Council, but with their number now increased to *fourteen* by the appearance among them of Mr Robert Youngson of Clatt. He had been one of those who had made submission to the Council at his former appearance before them; but his conscience had been troubled by that act, and he had resolved now to throw in his lot with his more resolute brethren. What passed at this famous trial of the fourteen before the Council on the 24th of October 1605 may be read in the long minute of that date at pp. 134–137, with the appended footnote. They still stood to their defence, and maintained the lawfulness of the Aberdeen Assembly by argument; but the most notable incident of the trial was their giving in what was called a

declinator,—i.e. a written document, signed with their names, denying the competency of the Privy Council, or of any other authority than that of the Kirk itself, to try them for their conduct in such a purely ecclesiastical matter as the holding of a General Assembly. The Council, rejecting the *declinator*, and declaring their jurisdiction quite competent in the matter, sent the thirteen who had been already in prison back to their places of confinement, and committed Mr Youngson to prison also, reserving the nature of their further punishment for his Majesty's own decision.

For some time after this trial of the 24th of October 1605 there seemed, so far as the Council cared to record what they were doing, to be a lull in the great business of the Aberdeen Assembly. Six of the fourteen culprits were in Blackness Castle, and the other eight in other prisons, waiting for his Majesty's sentence in pursuance of the judgment of the Privy Council, and expecting nothing more. But his Majesty in England was preparing a new thunderbolt. Although a *declinator* had been a customary enough document in previous disputes between the Kirkmen and the Civil Power, his Majesty had resolved to found new action on the *declinator* given in by the fourteen, and to bring them to trial on that separate account on a charge of nothing less than high treason. All preparations having been made, and the Earl of Dunbar having come from England to superintend the immediate arrangements, and it having been deemed advisable not to bring all the fourteen to trial on the capital charge at once, but to begin with the six chiefs who were in durance in Blackness Castle, there took place at Linlithgow, on the 10th of January 1606, to the amazement of all Scotland, that Assize Trial of Messrs John Forbes, John Welsh, Robert Durie, Andrew Duncan, John Sharp, and Alexander Strachan, the particulars of which will be found in the footnote at pp. 163–166. About forty of the leading Presbyterian clergy from different parts of Scotland, including Andrew Melville and James Melville, had come to Linlithgow to testify their sympathy with the six prisoners, and to render them what help they could; and there were great doubts whether the Government

would succeed in obtaining a verdict. By enormous exertions on the part of the Earl of Dunbar and the other Councillors, however, they did succeed in persuading nine out of the fifteen jurymen to return a verdict of *guilty*; and the six condemned men went back to prison, as it were with ropes round their necks. Of extreme interest in this crisis is the correspondence between the Privy Council and the King in the three consecutive letters which will be found at pp. 478–486. In the first, written immediately after the Linlithgow Assize, Secretary Balmerino gives his Majesty an account of the proceedings and their result, taking great credit to the Council for their success, but hinting that the business had been far more difficult than his Majesty might imagine, and that only the superhuman exertions of the Earl of Dunbar could have carried it through. His Majesty's reply, dated from Whitehall 22nd January, is a most characteristic document. He thanks the Council for their successful exertions so far, but enjoins upon them two additional pieces of immediate labour,—viz. (1) the preparation of a pamphlet giving a history of the affair of the Aberdeen Assembly, with an exposition of the principles involved, suitable for circulation through Scotland, and (2) the arraignment and trial of the eight remaining imprisoned ministers, so as to have them also convicted on the capital charge of treason, and equally at his mercy with the other six. With this second injunction the Council were horrified; and their answer from Edinburgh is that only instance of actual opposition to his Majesty's will on the part of his Scottish Ministry and Council to which reference has been made in an earlier part of this Introduction. They told his Majesty that he did not even yet seem to be aware how dreadfully difficult a business the late trial of the six at Linlithgow had been, how reluctantly some of the Councillors themselves had been led into it, and what straining of the law and underhand management had been required to ensure the result; and they informed him that in the present state of public feeling in Scotland,—discontentment everywhere, and the late jury pursued with execrations for their verdict,—the trial of the other eight which he desired was an utter impossibility. After this remonstrance

James seems to have found it useless to persist in his instruction to the Council respecting the remaining eight of the imprisoned culprits.

As far as to the beginning of the year 1606, therefore, the King's action in his cherished design had consisted in an assertion of his royal right to determine whether and when a General Assembly should meet, and in a procedure of crushing severity against the nine-and-twenty Presbyterian ministers who had challenged this right by the attempted Aberdeen Assembly of July 1605. Only fourteen of these, it is true, were in prison, six as capital convicts for treason and eight as guilty of the lesser misdemeanour called "rebellion"; but even the fifteen who had submitted more or less, and had been allowed to return to their parishes, were there on their good behaviour, and with the grasp of the law on their shoulders if they stirred again. Nor was this all. Opportunity had been taken to extend his Majesty's displeasure to two eminent presbyters who had taken no part personally in the Aberdeen Assembly. See, at pp. 118–119, the Act resuscitating his Majesty's old grudge against Mr Robert Bruce for his incredulity in the affair of the Gowrie Conspiracy, and using that grudge as a reason for removing Mr Bruce from the south of Scotland, where his presence might now prove inconvenient, and sentencing him to banishment in Inverness; and see, at pp. 120–121, the Act for imprisoning Mr Henry Blyth, minister of the Canongate, for some public words which he had spoken in defence of the Aberdeen Assembly and its victims. In all, thirty-one ministers of the Kirk had come within the swoop of his Majesty's vengeance,—no inconsiderable percentage of the total body of the national clergy. One has to imagine, however, the wide diffusion of terror among the rest. Not a clergyman of Presbyterian principles in any corner of Scotland but felt himself threatened, knew that the fate that had befallen so many of his brethren might be his own to-morrow if occasion were given, and was aware of a sudden increase of that depression of his order under his Majesty's power and will which had been sufficiently marked already for eight or ten years. This effect of the prosecutions of so many actual culprits

upon the behaviour of the rest was not left to mere chance. At pp. 179–181 may be read a Proclamation of 13th February 1606 denouncing as seditious and punishable with death all speeches in defence of the late Aberdeen Assembly, and in fact all criticisms whatever of any part of his Majesty's policy in Kirk or State, and empowering and requiring magistrates and others to arrest in particular all ministers whom they might hear so offending in their pulpits. The consternation caused by this Act may be inferred from a later entry at p. 186. But read, above all, the long pamphlet or treatise at pp. 189–202, authorised by the Scottish Privy Council on the 7th of March 1606, and printed for distribution over Scotland under the title of *A Declaration of the Just Causes of his Majesty's Proceedings against those Ministers who are now lying in Prison attainted of High Treason.* It is one of the most important Scottish documents of the reign of James VI. Prepared by Secretary Balmerino, Lord Advocate Hamilton, and others of the Council, in accordance with the King's instructions in his Royal Letter of the 22nd of January preceding, it was wholly inspired by his Majesty, had received his personal revision throughout, and actually embodies several paragraphs of his own composition.

No one knew better than James, however, that punishment of the offenders in the affair of the Aberdeen Assembly, and accompanying measures *in terrorem* of the rest, were but half the battle. Under cover of his merely negative procedure of punishment and intimidation, he was, accordingly, devising and pushing forward more positive and constructive measures in the direction of his ultimate object. His ingenuity in this positive on constructive part of his policy was no less remarkable than his unflinching severity in the other.

While his ultimate object was the subversion of the Presbyterian constitution of the Kirk and the institution of some full Episcopal organisation after the fashion of the Church of England, it was essential that he should work towards this object through the Kirk itself. In other words, for putting down ultimately the system of Church-government by General Assemblies and

other Church courts, he must employ meanwhile the instrumentality of such assemblies and conclaves. How clearly James had perceived this may be seen from the Proclamation which will be found at pp. 126-127, dated from Hampton Court 26th September 1605, and published therefore in Scotland exactly at the time when he had begun his severities against the culprits of the Aberdeen Assembly, and had forbidden any attempt to hold the adjourned Assembly which they had appointed. Although the body-politic of Scotland had already during his reign, he said, attained to a "perfectioun and splendour" unknown in the times of his predecessors, and although by his exertions recently many improvements had been effected also in the Church of Scotland, he dared any one to affirm that these changes had been carried despotically, or to deny that, "as the diseases of "the civile body wer evir cured be the advise of our Thrie "Estaittis, so the defectis of the Churche by the help and "counsale of these quho had gritest entres in thame." He meant to pursue the same path in future; and, in proof of this in the ecclesiastical department, he now appoints a regular General Assembly, authorised by himself, to be held at Dundee. "At Dundie the last Twysday of Julii" were the words of the Proclamation. "In what year?" was the question asked ironically at once by Presbyterian readers of the document all over Scotland. No year was named; and might not the promised Assembly be put off *ad Græcas Calendas?* As the Proclamation was dated September 1605, it would have been fair perhaps to conclude that July 1606 was meant.

If his Majesty had ever really intended that a regular General Assembly should sit at Dundee in July 1606, he found reason to change his mind. To ascertain what likelihood there was that the Assembly would be manageable, there was the preliminary experiment mentioned incidentally in the footnote at p. 186. By order of the King there were simultaneous meetings in February 1606 of all the Provincial Synods of the Kirk, for the consideration of certain Articles submitted to them by his Majesty, relating to Episcopal power and to Kirk policy generally. It was just after the capital condemnation of the six

chief clerical prisoners by the Assize at Linlithgow; and, though the spirit of the Presbyterian clergy had been so far subdued as to be incapable at that moment of very aggressive demonstrations of opposition to the Royal will, they availed themselves to the utmost of the opportunity of opposition afforded by the comparative privacy of their Synods and the privileged forms of procedure in such courts. By all the Synods the King's Articles were either rejected in block or referred to a General Assembly. In these circumstances the King could hope nothing from a General Assembly at Dundee in July 1606; and hence, when that month came, an Order of Council cancelling the previous Proclamation, and fixing May 1607 as the time to which his Majesty now prorogued the Assembly, and Perth as the place. See the order at pp. 218–219, with the appended footnote, and the relative Royal Letter at pp. 494–497. Besides the reason for the prorogation furnished by the fact that his Majesty had been disappointed in his preliminary experiment with the Provincial Synods, there was now another reason. His Majesty, nonplussed by the Synods and unprepared yet for a full General Assembly, had resolved, it appears, on a clerical conference of a more private sort. He had issued letters summoning a "number of the ministers of this kingdome of greatest learning and experience" to repair to London in September next, there to consult with his Majesty and with each other on the distressful state of the Kirk, and as to "the maist charitable, easie, and permanent remedies thairof." The letters had, in fact, gone out in May 1606. On the Presbyterian side there had been summoned Andrew Melville himself, the supreme head and champion of Scottish Presbytery, and his nephew and lieutenant, James Melville, together with William Scot, minister of Cupar, John Carmichael, minister of Kilconquhar, William Watson, minister of Burntisland, James Balfour, one of the ministers of Edinburgh, Adam Colt, minister of Musselburgh, and Robert Wallace, minister of Tranent; while those summoned on the Episcopal side were Archbishop Gledstanes of St Andrews, Archbishop Spotswood of Glasgow, Bishop Gavin Hamilton of Galloway, and Bishop James Law of Orkney,

with James Nicolson, minister of Meigle, designated for the Bishopric of Dunkeld, and three others. Out of the conferences of these sixteen, eight of them of Presbyterian principles and eight favourable to Episcopacy, his Majesty hoped to extract light and guidance.

Baffled hitherto in his expectation of obtaining decisions in favour of further advances to Episcopacy from the Kirk judicatories, the King was able meanwhile to take a great step towards his object by Parliamentary legislation. See the footnote at pp. 226–228 for an account of the two important ecclesiastical Acts of the Red Parliament of Perth in July 1606, —the Act *Anent the Kingis Majesteis Prerogative* and the Act *Anent the Restitutioun of the Estate of Bischoppis*,—and for an estimate of the general effects of those Acts on the Kirk and on Scottish society. But, though all that a Parliament could do towards a full reinstitution of the Episcopal system had thus been done in the Perth Parliament of 1606, presided over by the Earl of Montrose and directed by the Earl of Dunfermline and the Earl of Dunbar, corresponding action by the Kirk itself through its judicatories was still necessary to complete the business.

If it was to stimulate and originate such action that the King had summoned the two Melvilles and the six other eminent Presbyterian ministers, as well as the Scottish Bishops and Episcopal divines, to conferences with himself at the English Court, he was soon disappointed. In August 1606, as is told more particularly in the footnote at pp. 235–236, the eight Presbyterians, obeying a command which they dared not resist, did reluctantly leave their Scottish charges and parishes and set out for London, some by land and others by sea. They had not been many days in London, and had but paid their respects to his Majesty at Hampton Court, and been in conference or debate with him there on two successive days, in the presence of an extraordinary assemblage of his English and Scottish Councillors and of English Bishops and divines (September 22 and 23), when it became evident that it was not for any purpose of real conference that they had been

brought from Scotland, but solely that they might be entrapped by their own words in answer to queries proposed to them as to the legality of the late Aberdeen Assembly and other matters, and so treated as themselves opponents of his Majesty and refractory subjects. They had, in fact, been lured into England, and were to be detained there during his Majesty's pleasure as men whose return to Scotland would, for the present at least, be dangerous. From the end of September 1606, accordingly, the fortunes of these eight kidnapped Presbyterian ministers in and about London,—Andrew Melville, James Melville, William Scot, John Carmichael, William Watson, James Balfour, Adam Colt, and Robert Wallace,—become matter for a separate story. As it is told in detail in the footnotes at pp. 258–259, pp. 279–281, p. 289, pp. 359–360, pp. 363–364, pp. 396–397, pp. 401–402, and p. 447, it is enough to say here that only after about eight months of uncomfortable and ignominious detention in and about London, chiefly at their own costs, were the last-named six of the list permitted to go back to Scotland, and resume their parochial charges under supervision, and that the two Melvilles had not even this favour shown them, but remained in banishment from Scotland all the rest of their lives. When our present volume closes, indeed, James Melville is going about as an exile on parole in the north of England, with re-entry on Scottish ground strictly forbidden him, while Andrew Melville is a prisoner in the Tower of London and in actual danger of the scaffold, nominally for an anti-episcopal epigram written in London, but really because he was the most formidable opponent of the King's Kirk policy in Scotland, and recognised as the champion-in-chief of Presbytery all over the British Islands.

No sooner had the Hampton Court conference with the Melvilles and their Presbyterian colleagues broken down than the King, finding nothing could be done by that agency, took the affairs of the Kirk again wholly into his own hands. Three days after the break-down of the conference,—to wit, on the 26th of September 1606,—there was drafted at Hampton Court the Royal Letter to the Scottish Privy Council which will be found at pp. 500–501. Carried to Scotland by Secretary Bal-

merino, this Letter and the private instructions which accompanied it took effect there in the proceedings recorded at pp. 257–262 of the main Register and in the subjoined footnotes. There was a Royal Proclamation making it death for any minister or preacher in Scotland to mention in sermon or prayer, otherwise than for reprobation, the ministers then in prison for their concern in the Aberdeen Assembly ; there was another Proclamation enjoining strict execution of the laws against Jesuits and Papist priests, so as to reassure the Scottish lieges that his Majesty's wrath against the Presbyterian culprits did not imply any abatement of his zeal for the true religion ; and there was intimation at last of the punishment which his Majesty had resolved to inflict on the convicted and imprisoned ministers. For the six who had been capitally convicted,—viz.. Messrs John Forbes, John Welsh, Robert Durie, Andrew Duncan, John Sharp, and Alexander Strachan,—the sentence was banishment for life from the British Islands, under pain of death in case of return without leave ; for the other eight,—viz. Messrs Charles Ferme, John Munro, John Ross, Robert Youngson, James Irving, William Forbes, James Greig, and Nathan Inglis,—the sentence was removal from their parishes and confinement during his Majesty's pleasure in certain remote islands or other districts of Scotland, prescribed to them respectively, under pain of death if they should range beyond the specified limits. Actually, on the 23rd of October 1606, as may be seen from the footnote at p. 269, the banished six did leave their native land for what was likely to be perpetual exile on the Continent. If the reader will imagine all that was implied by the banishment of these six, the seclusion of the other eight in remote quarters within Scotland, the contemporaneous detention of the two Melvilles and their six colleagues in England, the continued sequestration of Mr Robert Bruce at Inverness, and the continued liability also of about fifteen more parish ministers to be called to account for their share in the Aberdeen Assembly should Government revive that charge against them, he will understand how effectively the Presbyterian cause had been paralysed in Scotland before the close of 1606.

Procedure by *some* agency within the Kirk itself being still essential, but success by a General Assembly of the regular kind being hopeless, the King, or his advisers, had hit upon the ingenious idea of a substitute meanwhile for a regular General Assembly, in the shape of a Clerical Convention of deputies from all or most of the Presbyteries of Scotland, to be nominated by his Majesty himself in missive letters. Such missive letters having gone out, with more or less effect, among the different Presbyteries, and the Scottish bishops and other Scottish Episcopal divines who had been summoned to England for the Hampton Court conference having returned home for the new purpose, and the Earls of Montrose and Dunbar and others of the Scottish nobility and Privy Council having been instructed as to their parts, there did meet at Linlithgow, on the 10th of December 1606, that Convention of about 136 of the Scottish clergy, under the moderatorship of Mr James Nicolson of Meigle, bishop-designate of Dunkeld, with lay assessors from the Privy Council and nobility among them, of which an account will be found in the footnotes at p. 280 and pp. 282–284. The Convention having been very dexterously managed, and a good deal of the business referring to a topic on which all were agreed,—viz. ways and means for suppressing all remnants of Roman Catholicism in Scotland,—there was less opposition than might have been expected to that scheme of his Majesty for the adoption of which the Convention had in reality been called. This was the famous scheme of *Constant Moderatorships*. In the form in which it was brought before the Convention, it provided that in future the moderators of Presbyteries,—viz. the presidents in those church courts of clusters of contiguous parishes which were next above the kirk-sessions or courts of individual parishes,—should not be variable or elected for the nonce out of the body of the brethren, but that in each of the fifty-three Presbyteries of Scotland one and the same person—the Bishop naturally in the chief Presbyteries, and some leading minister in others,—should always be president. The proposal, striking as it did at the root of the principle of Presbyterian parity, did cause some consternation among the clergy in the Linlithgow Convention; but, after

it had been explained and recommended by the Earl of Dunbar and others, and toned down as much as possible by modifications and caveats, it did pass by a vote of 125, so that when the Convention rose a list of those who were thought fit to be the Constant Moderators of all the fifty-three Presbyteries had actually been drawn up and agreed upon. How the news was received by the King, and what steps followed, may be learnt from the documents, with footnote, at pp. 297–302, one of these documents containing a complete list of the Presbyteries and the names of those who had been designated (all the available Bishops included) to be the Constant Moderators. These documents bring us to the 17th of January 1607. His Majesty, it appears, though not quite satisfied with the mild and attenuated form in which the Linlithgow Convention had accepted his scheme of the Constant Moderatorships, had resolved to make the utmost of what he had gained by that cleverly devised substitute for a General Assembly. In the first place, in all his own references to it henceforward, it was not to appear as any such mere substitute, but was to figure distinctly and boldly as The General Assembly at Linlithgow, whose Acts were as valid as those of any previous and regular General Assembly. In the second place, the scheme of the *Constant Moderatorships of Presbyteries*, dignified now with the title of an Act of this Assembly, could be enforced in the manner specified in the charge of the Scottish Privy Council issued by his instructions (pp. 300–302),—to wit, by requiring all those who had been appointed constant moderators of Presbyteries to assume their offices, and all the Presbyteries to accept these moderators and induct them, under pain of rebellion. In the third place, as the official records of what had been done in the Linlithgow Convention were in his Majesty's own hands, and no formal copy even of the Act relating to the Constant Moderators had gone out, it was in his Majesty's power to put his own construction on the proceedings of the Convention, or to resort to any plausible extension of them, and to assert and enforce that construction or extension, subject to no stronger check than might be supplied by the vague and timid memories of those who had been actually present.

Often the whole history of a country for many months together may be summed up in some phrase which was on the lips of all the inhabitants of that country during those months, defining what was then the *quæstio vexata* of paramount interest. On this principle, let the reader pronounce the words "THE "LINLITHGOW CONVENTION AND THE CONSTANT MODERATORSHIPS," and he will be summarising the domestic history of Scotland through the ten months which lie between January 1607 and the close of the present volume in October of the same year. If he would study the story in detail, however, he will find the materials, in their chronological succession, in the present volume as follows:—footnote, p. 300; footnote, p. 302; p. 312 (Presbytery of Irvine); pp. 343–344 and footnote (Royal Commissioners nominated to attend Provincial Synods); pp. 347–349 and footnote (charge to the Synod of Perth for obstructing Lord Scone, Royal Commissioner to that Synod); pp. 521–523 (Royal Letter of indignation against the Synod of Perth); p. 357 (prorogation of the Synod of Fife); pp. 362–363 (discharge to the Synod of Perth from meeting again); p. 369 and footnote, and Royal Letter at p. 525 (renewed prorogation of the Synod of Fife); pp. 370–372 (Royal Letter about Church matters generally, ordering the Synods to elect deputies to another Ecclesiastical Conference to be held at Holyrood, and proroguing the General Assembly appointed for July 1607); pp. 376–377 and footnote (charge to Commissioners to report as to the reception of the Constant Moderators by the Presbyteries); p. 380 and footnote (charge to the Synod of Fife to choose the Archbishop of St Andrews as their Constant Moderator); footnote p. 382; pp. 385–391 (prosecution of the Synod of Perth for contumacy); p. 397 and pp. 400–401 (reports of Commissioners concerning Constant Moderators of certain Presbyteries); p. 412 (prorogation of meetings of Synods for election of deputies to an Ecclesiastical Conference); p. 413 (another report as to Constant Moderators of certain Presbyteries); pp. 416–417 (charge to all the provincial Synods to elect Constant Moderators); pp. 430–431 (concerning the Synod of Fife); pp. 431–432 (Presbytery of Ayr); p. 540 (Royal Letter concerning certain contumacious ministers in Fife); p. 440

(discharge of the Synod of Fife from meeting again); footnote p. 447; pp. 451–452 and footnote (proclamation again proroguing the General Assembly); p. 453 and footnote (Synod of Merse and Teviotdale and the Constant Moderatorships); p. 541 (Royal Letter concerning Mr William Livingston).

On perusing the documents, with the appended notes of elucidation, indicated by this series of references, it will be seen that from January to the end of October 1607 Scotland was in a state of tumult arising from a conflict between the King and Privy Council on the one hand and the clergy on the other over the question of the Constant Moderatorships, the tumult and conflict reaching to all parts, but raging most fiercely in the shires of Perth and Fife. It will also be seen that the conflict passed through two phases. For a while all that the Government seemed to urge, under authority of the Act of the Linlithgow Convention, and of the King's construction of that Act, was the due planting of the persons designated for the *Constant Moderatorships of the Presbyteries*. Though this was sufficiently unpopular, and there was obstinate resistance here and there, and much dilatoriness generally, progress in the planting of the Constant Moderatorships in the Presbyteries was gradually being made, when it appeared that his Majesty meant to stretch the Act of the Linlithgow Convention so as to make it imply the institution also of *Constant Moderatorships in the Provincial Synods*. This appeared as early as April 1607, in the struggle which then took place between Lord Scone, as his Majesty's Commissioner, and the Synod of Perth (pp. 347–351); but it assumed still more definite form in June 1607, when the Synod of Fife were required to choose the Archbishop of St Andrews for their constant moderator (p. 380), on the avowed ground that it had been ordained by the Linlithgow Assembly "that the "moderatour of every synode sould be nominat and chosin out "of the moderatouris of the prisbitereis quhair the synode con- "sisted, and, gif thair be a bischop within the synode, that the "bischop salbe moderatour of the synode." Before the end of the following month all doubt as to the extent of the King's design was removed by the general charge to all the Synods,

which will be found at pp. 416–417. The Synods had already been summoned to meet specially and simultaneously on the 18th of August, for the purpose of electing deputies to another Ecclesiastical Convention, which it was proposed to hold at Holyrood-house on 1st September, in order to mature matters for the consideration of the regular General Assembly appointed to meet, according to the last prorogation, at Dundee in the November following; and this charge required every Synod individually to make the election of a Constant Moderator of the Synod, in terms of the Linlithgow Act, part of its business at this special meeting of the 18th of August. As the King's construction of the Act required the election of a Bishop, wherever there was one, to the Constant Moderatorship of the Synod to which he belonged, and as it was evident that this contemplated settlement of all the existing Scottish Bishops in the Constant Moderatorships of the Provincial Synods would amount to nothing less than a formal re-institution of Diocesan Episcopacy, the outcry and opposition were more vehement than they had been over the minor question of Constant Moderatorships for the Presbyteries. There were calls everywhere for the production of that Act or those Acts of the Linlithgow Convention on which the King was founding his procedure, with declarations everywhere that nothing whatever had been mooted in that Convention as to Constant Moderatorships of Synods, and that, by the testimony of those present, only the Moderatorships of Presbyteries had been in discussion there. Till August 1607 this call for authentic copies of the Act of the Linlithgow Convention had been systematically evaded, the authorities having meanwhile been doing their best to coerce the clergy through the Royal Commissioners charged with carrying out the King's interpretation of the concealed Act; and when, on the 18th of that month, Government copies of the Act were at length made accessible in the simultaneous extraordinary meetings of the Synods then assembled, the authenticity of these copies was distinctly challenged in several of the Synods (pp. 432–433, footnote). The battle therefore was still raging when our present volume closes. The Synods, or most of them, had

proved refractory; the proposed new Ecclesiastical Convention at Holyroodhouse had been abandoned; the meeting of a regular General Assembly, prorogued so often, seemed as far off as ever, standing again prorogued to April 1608, with intimation that it would then be held in Dundee (pp. 451–452); and the struggle still lay directly between the King, employing his usual means of coercion through the Privy Council and other agents, and the resisting Presbyterian clergy. On the whole, the King had succeeded pretty well over all Scotland in the matter of the Constant Moderatorships of Presbyteries, and was perhaps beginning to succeed in the larger matter of Constant Moderatorships in the Synods. What one observes throughout is his unflinching resoluteness in maintaining his Kirk policy and enforcing it by pains and penalties on his opponents. In addition to the other proofs of this which will be found in the documents cited, one may point to the Royal Letter at pp. 510–511 rebuking Secretary Balmerino and the other Councillors for negligence of duty in not carrying out more stringently the previous proclamation forbidding prayers for the ministers convicted and sentenced for the crime of the Aberdeen Assembly, or any sympathetic mention of them or their cause in pulpits. To set against this there is, indeed, the leniency shown by the permission at last, in May 1607, of six of the eight Presbyterian ministers who had been detained in London to return to Scotland on their good behaviour and under certain restrictions (pp. 363–364, footnote), and in the Act of Privy Council shortly afterwards enabling six of the eight who had been sentenced to seclusion in remote islands and districts for their participation in the Aberdeen Assembly, but had meanwhile been evading pursuit, to return to their own parishes and seclude themselves there (p. 406). There were, however, politic reasons for this partial leniency at the moment, in view of the effect it might have in tempering opposition among the clergy generally to his Majesty's measures; and, when that effect failed, there was no slackness on his Majesty's part, or on that of the Privy Council, in the prosecution of the new delinquents that presented themselves here and there in the course of the continued struggle with the Synods and the Pres-

byteries respecting the Constant Moderatorships. For, though the Melvilles, Bruce, Welsh, Forbes, Durie, and the other most powerful and experienced Presbyterian chiefs had been either cleared off the scene by exile, or crushed and incapacitated within Scotland, there were not wanting new men to step into their places, and to try, temporarily at least, to uphold the Presbyterian banner. Such were Messrs John Cunningham and David Henderson in the Presbytery of Irvine (p. 312), Messrs William Row and Henry Livingstone in the Synod of Perth (footnote pp. 349–351, pp. 385–391, and Royal Letter at pp. 521–523), Messrs William Cranstoun, John Dykes, and others in the Synod of Fife (footnote p. 382, p. 441 and p. 540), and Mr William Livingstone, minister of Lanark (p. 541). It would appear, however, that, though sympathy with such men was general enough, the clergy in the main, in all the shires save those of Fife and Perth, were fatigued with the contest and prepared to succumb.

The state of affairs in October 1607 may be represented thus:—The Constant Moderatorships had been planted in the Presbyteries generally, and the system of Presbyterian parity thus broken by the raising of about half a hundred of the Scottish parish clergy to superiority over their fellows and to more immediate dependence on the Crown and its future favours. Some advance also had been made towards the institution of Constant Moderatorships in the Provincial Synods, so as to develop farther the principle of hierarchy by raising the bishops to distinct diocesan primacy among even the half-hundred who were superiors of Presbyteries. Meanwhile there had been such a multiplication of the Crown-appointed and State-recognised bishops that, when they were all duly settled in the Moderatorships of the Synods, the hierarchial apparatus would be nearly complete, and the government of the Kirk would be visibly Episcopal. To restore fully the old Scottish Episcopate as it had existed before the Reformation required two archbishops and eleven bishops; and precisely that number of prelates or prelates-designate were now available:—viz. George Gledstanes as *Archbishop of St Andrews*, with Peter Blackburn, Andrew Lamb,

Alexander Forbes, George Graham, Alexander Lindsay, Alexander Douglas, James Law, and David Lindsay, for the sees respectively of *Aberdeen, Brechin, Caithness, Dunblane, Dunkeld, Moray, Orkney,* and *Ross,* all in the Archbishopric of St Andrews; and John Spotswood as *Archbishop of Glasgow,* with Neil Campbell, Gavin Hamilton, and Andrew Knox for the three sees of *Argyle, Galloway* and *The Isles,* in that Archbishopric. Let these be firmly planted in the Constant Moderatorships of Synods, and they would be no more merely State prelates, but prelates with definite ecclesiastical functions and powers. Nothing had been wanting on the side of the State to prepare for that result. Not only were the two archbishops and some of the bishops now of the Privy Council; not only had the Red Parliament of Perth in July 1606, by its Act *Anent the Restitutioun of the Estate of Bischoppis,* elevated the social status of the bishops and improved their emoluments (see *ante,* p. lxviii.); but, as will be seen by reference to p. 423 and to the footnote at pp. 425–426, special pains had been taken in the Parliament of August 1607, which sat in Edinburgh under the High Commissionership of the Duke of Lennox, to exhibit the Bishops to the whole nation as among the highest dignitaries of the realm. By Royal Order and by Act of Council it had been decreed that the archbishops and bishops should have precedence in that Parliament of all the temporal peers; and they sat robed in it accordingly as, next to the Royal Duke himself, the most conspicuous persons present. Thus far had King James, in the fifth year of his English reign, brought his design for the subversion of Presbytery and the restoration of Episcopacy in Scotland. What Scottish historians have not sufficiently recognised hitherto is, we repeat, the fact that his success in this enterprise was a direct consequence of the Union of the Crowns.

III. Miscellaneous Measures of Administration.

Another consequence of the Union of the Crowns, as to the beneficial nature of which there may be unanimous agreement now, was the introduction into Scotland of a firmer exercise of

authority on the part of the central government for the repression of all sorts of social disorder. For many years before the removal of James into England it had been his commendable ambition to subdue the most flagrant of those traditional forms of lawlessness which had come down in the composite little nation of which he was king, and to exhibit it to the world at last as no less orderly and civilised, from one end to the other, than any of its larger neighbours. His exertions for this object, however, became manifestly more vigorous after he had ascended the throne of England. No longer in the midst of that turbulent Scottish nobility who had surrounded him so familiarly from his youth to his manhood, thwarting and impeding him as they had done his predecessors, but lifted to a position of immeasurable superiority over the very highest of them, he could have his own way in Scotland in all matters by his directions through the post. He could be more absolute in Scotland by far than he could be in England, for the very reason that his subjects in the smaller sovereignty were now completely overawed by his possession of the larger, while there was no such effect upon his subjects of the larger from his possession of the smaller.

One of the first innovations on the Scottish social system that had resulted from the King's English experience had been, as we saw in last volume ("Introd." pp. lx.–lxii.), the establishment, in August 1603, of a flying police of forty horsemen, under the captaincy of Comptroller Sir David Murray of Gospertie, and with the name of *The King's Guard*, for the execution of all warrants of the Council against criminals or disobedient persons. Of the continued activity and efficacy of this King's Guard, of which Sir David Murray, under his new title of Lord Scone, was still nominally captain, while his acting lieutenant was a Robert Hepburn, the indications through our present volume are incessant. At pp. 8, 26, 50, 79, 189, 329 will be found some special entries relating either to increased powers for the guard or to particular instances of their service. In fact, one sees Robert Hepburn and his horse police now riding about constantly through all parts of Scotland within convenient reach of the Privy Council, arresting offenders, and proving themselves a

terror to evil-doers, if not sometimes also to the poor country people upon whom they were billeted. The benefits must have been considerable.

Nothing had been more laudable in King James while he yet remained in Scotland than his desire to put down hereditary private feuds among the nobles and lairds, and otherwise compel these orders of the community to respect for the crown and the ordinary laws. His determination in this direction had grown with the conscious greatness of his new English majesty, and made itself felt now from a distance. His Scottish Privy Council knew what he expected from them in every case of the outbreak of an old feud in a new tulyie or street-brawl in any town, or in any outrage in a shire; and he himself took note of such incidents, and dealt with them sharply in his correspondence with the Council. At pp. 61–62 and footnote, p. 81, p. 101, p. 110, p. 112, p. 117, pp. 132–133, p. 140, pp. 143–145 and footnote, and pp. 183–184, may be traced the history of a feud of great notoriety from June 1605 to February 1606 under the name of the *Edzell and Pitarrow Feud*,—*i.e.* a feud between the Lindsays of Edzell and the Wisharts of Pitarrow. Unfortunately for the Edzell family, this feud was succeeded in June 1607 by another in which they were implicated, and which may be called the *Edzell and Crawford Feud*. The history of this feud, the principals of which were David Lindsay, younger of Edzell, and his "wicked" cousin and namesake, David Lindsay, Master of Crawford, will be found at p. 383 and footnote, p. 398, p. 411, p. 412, p. 416, p. 420, p. 439, and p. 541. The leading incident in both these Lindsay feuds was a tulyie in the High Street of Edinburgh, the second tulyie being the more memorable from the fact that Privy Councillor Lord Spynie, the uncle of the two young principals, was mortally wounded in trying to separate them. For the circumstances and sequel of a similar scuffle in the streets of Perth on the day of the opening of the Red Parliament of July 1606 in that town,—a scuffle connecting itself with the hereditary *Eglinton and Glencairn Feud*, or feud between the noble houses of the Montgomerys, Earls of Eglinton, and the Cunninghams, Earls of

Glencairn (heard of already at p. 160), but involving also the Setons of Winton,—see pp. 221–223 and footnote, pp. 498–499 (Royal Letter), pp. 233–234, p. 249, p. 288, p. 296, and p. 328. A *Roxburgh and Ancrum Feud* is heard of at p. 215, p. 232, p. 269, and p. 272; a *Mar and Luss Feud* at p. 373, p. 528 (Royal Letter), and p. 397; and a *Home and Haitlie Feud* at p. 308, p. 323–324, p. 519 (Royal Letter), p. 347, p. 351, and p. 382. These are but specimens; and notices of other feuds, with the resolute measures taken for suppressing them,—chiefly by compelling the opposed parties to give effective assurances to keep the peace,—will be found in other pages. When a new dispute broke out, of whatever rank the disputants might be, care was taken to prevent it from growing into a feud, or leading, in the old fashion, to convocation in arms and conflict. For examples, see pp. 221–222 and pp. 423–424 (Earl of Errol and Earl Marischal), p. 225 (Earl of Argyle and Earl of Errol), and p. 295 (Marquis of Hamilton and Lord Maxwell). The Lord Maxwell who figures in the last of these entries has the distinction of being, with the exception perhaps of the "wicked" Master of Crawford above-mentioned, the most lawless and unmanageable nobleman heard of throughout the present volume. Additional notices of him, some of them appertaining to the inveterate *Maxwell and Johnstone Feud*, others to independent defiances of authority, will be found in abundance by the Index. Another nobleman of whom there are discreditable mentions, though of a more pitiful kind, is the person then holding the Earldom of Atholl. See those mentions also by the Index. They seem to throw light on an obscure period in the history of the Atholl Earldom.

Worthy of note, as illustrating the King's increased attention to all forms whereby his royal supremacy over the Scottish nobility and over all public functionaries could be asserted and maintained, is the novel Oath of Allegiance required from all such by his Majesty's Letter-Royal from Whitehall dated 28th April 1607. See the letter and the form of the oath at pp. 374–375; and note, at successive points thenceforward, the alacrity with which the Privy Councillors and other officials are sworn in by the new oath in batches or individually.

While order was kept among the nobles, lairds, and other eminent personages by such means as have been described, there was ample vigilance over the lieges generally. How rigorously the wholesome *Acts against Wearing or Using Fire-arms* were enforced, and what an aggravation it was in any case of assault investigated by the Council if the forbidden weapons had been worn or employed by either of the parties, may be seen in numerous entries. Of greater consequence than mere private assaults or frays between neighbouring families were those *Burgh Riots* which were apt to occur from disputed elections to the magistracy in important towns, or popular dissatisfaction with the magistrates in office. In such cases the Central Government usually acted at once with decision on the anti-democratic side, or in favour of use and wont. An extremely important and protracted case of the kind belongs to the history of Dundee, and deserves attention from all who are interested in the annals of that town. It may be investigated through successive glimpses of it in the Council Minutes, and also in the Royal Letters and Miscellaneous Papers, by means of the references in the Index under *Dundee;* but worthy of special reference here in connection with it is the long and very vivid narrative which will be found at pp. 94–100. In the course of 1606 the city of Glasgow was the scene of similar municipal troubles and riots. The history of that affair, in which the Stewarts of Minto were the ringleaders of an insurrection against Sir George Elphinstone, Provost of Glasgow, and his associates in the magistracy, may be read at p. 230, p. 233, pp. 234–235, pp. 240–247, p. 249, and a Royal Letter at p. 501. The only other disturbance of any note arising out of a disputed municipal election seems to have been in Montrose.

Apart from such disturbances from disputed municipal elections, a good many entries relating to the burgh histories of several of the Scottish towns are contained in this volume. Edinburgh, the Canongate, and Leith, separately or on account of disputes of privilege between Edinburgh and Leith, disputes about freedom of the Edinburgh market to the burghers of the Canongate, &c., come frequently into view; there are entries

relating to Glasgow and Dundee in addition to those mentioned; and Ayr, Dumbarton, and St Andrews also figure. The notices of St Andrews concern chiefly the University of that city, most of them referring to riots among the students on account of a rancour between the Old College and the New, and to a consequent Commission of Visitation for restoring order, but one or two of them referring particularly to the necessary deprivation of Andrew Melville from his Principalship of the New College during his absence from Scotland and imprisonment in the Tower of London, and to the appointment of his successor.

Almost the longest document in the volume is the Act of Council of 4th February 1606, given at pp. 164–177, under the title *Anent the Prices of Writtis and Scales*. In consequence, as the preamble states, of the "schamefull scafferie and extortion" practised by the clerks and other officials of the Law-Courts and Government offices in exacting from the lieges fees for law-papers and other services far in excess of the proper amount, the Council had taken the pains to frame an exact tariff of the charges payable thenceforth to such clerks and officials for every possible service to be rendered by them, or paper to be issued by them, in the Signet Office, the Treasury, the Collectorate, the Registry of Benefices, the Privy Seal Office, the Office of the Great Seal, the Court of Session, &c., &c.;—copies of this tariff to be hung up in the respective offices for the information of all concerned, every writ or paper issued thenceforth to have the proper legal charge marked on it, and the punishment for overcharge to be deprivation of office. While the document ought to be interesting, from its details, to Scottish antiquaries, and especially to students of the history of old Scottish money-values, it may be recommended to attention here for a more general historical reason. It is one more proof of what is impressed upon one by almost all the other administrative Acts of the Scottish Privy Council from 1604 to 1607, as well as by many of their contemporary judicial decreets,—viz., that the common and popular notion of the extreme "roughness" and "iniquitousness" of the Scottish governing powers in those old days requires correction. It is

one more proof not only of the industry and accurate business habits of the resident Scottish Government of Dunfermline's Chancellorship, but also of their real anxiety to do impartial justice, and to promote the public interests by improvements in all matters not already prejudged for them by his Majesty's ideas of prerogative, or by the declared tenor of his ecclesiastical polity.

A matter in which his Majesty's personal interests had to be studied in his absence was the preservation of his Scottish forestry-rights, and of the game on his Scottish hunting-grounds. See a Royal Letter at p. 470, and entries in the Register at p. 42, p. 156, p. 270, p. 376, and p. 397. Regard for the royal revenues in the first place may also be discerned in some of the regulations and decisions relating to trade, mechanical inventions, and social economics, though not in all. For specimens of Acts and decisions of this kind see p. 279 (coal-carrying engine), p. 290 (price of beer), pp. 488, 306, 358, 434, 446 (mines and gold works), p. 356 (customs on wines), p. 378 (his Majesty's Bedesmen or Blue-Gowns), and p. 544 with pp. 748–749 (vagrants and beggars). At p. 509, under date 16th January 1607, the Council are found offering a special excuse to his Majesty for any remissness in duty with which they may have seemed chargeable for some considerable time previously. "Your "Majestie wilbe gratiouslie pleasit," they say, "to accept this "oure moir then just excuse in goode parte, yf we haif not in so "exact forme as your princelie wisdome hes sett doun performed "everie thing belonging to your Majesteis service,—the desolate "estate of the countrey in regaird of the universall Plague, so "as we could nevir haif ony setled residence or convenient "directing of thingis requiring a steadfast and continuall "diligence but intermissioun." This is perhaps an exaggeration; but that the Plague had continued to flicker hither and thither through Scotland during the whole period of our present volume, occasioning shiftings of the Council's place of meeting, and prorogations of the Law-Courts, appears clearly enough from scattered minutes to that effect from p. 51 onwards.

No difficulty of the Scottish Government of those days was greater than that of dealing with the Roman Catholics who still remained here and there in the country, and with the Jesuits and other priests who lurked among them. For particular Acts or general information on this subject see p. 2, p. 3, p. 16, p. 37, p. 156, p. 313, p. 355, p. 392, p. 403, p. 502, and p. 508. From these entries the impression might be that the King and the Council were sufficiently zealous in trying to put down "papistrie." The business, however, was not so easy; and one of the constant complaints of the Presbyterian clergy and of people generally was that the zeal of the Government in the matter was more pretended than real. Especially this was the case with respect to Roman Catholics of high rank. One of these was the Earl of Angus (see p. 317); but the Scottish Roman Catholic in chief, the head and representative of all that remained of the old religion in Scotland, was the Marquis of Huntly. The long story of the troubles of this great potentate of the north in his contest for the religious freedom of himself and his household against the Kirk judicatories of those shires of Aberdeen, Banff, and Moray where he held such vast territorial sway may be read in chronological sequence in entries as follows:—p. 462 (Royal Letter), pp. 19–21, pp. 468–470 (Royal Letters), p. 34, p. 37, pp. 58–59, p. 178, p. 225, pp, 503–504 (Royal Letter) pp. 516–517 (Letter of Council to the King and Royal Letter), pp. 520–521 (Royal Letter), and pp. 395–396. We see at first the northern clergy surrounding the great Marquis like hornets, remonstrating with him, holding conferences with him, finding him defiant, and threatening him with excommunication; we see the King interposing energetically and stopping their proceedings; we become aware that this was partly from a shrewder sense on his Majesty's part than was possessed by the clergy of the necessity of some amount of toleration in such cases, but was owing partly also to the fact that his Majesty was then negotiating with the Marquis for certain important services in the administration of the Isles, promising an increase of the royal revenues; we see the Marquis coming occasionally to Edinburgh for interviews with the Council, and even going to London for conference with the King

personally, always on his guard and wily; and at last, the terms of his offers to the King in the public service required from him not having proved satisfactory, we see him left for prosecution before the Council by the King's Advocate. The issue was that, on the 23rd of June 1607, the Marquis was ordained to confine himself within eighteen miles of the Burgh of Elgin, with obligation to reside ten days every month in that burgh, including always two consecutive Sundays, and on these Sundays in Elgin, and on every other Sunday elsewhere within his appointed limits, to give regular attendance at church and hear sermons there, without prejudice to his accessibility at all times besides when any of the district clergy might desire to see him with a view to resolution of his doubts. In such circumstances we leave the Marquis, with a tolerable certainty, from our previous knowledge of him, that he was not much discomposed, but would find means still to make himself comfortable and baffle the clergy. How was such a man to be reached, or his movements controlled, in his own patrimonial domain, where he was surrounded by his numerous and powerful clan of the Gordons, with their allied Forbeses, and other dependants and tenants? Only five months before the sentence of his seclusion in Elgin and its neighbourhood there had been addressed to him by the Privy Council the remarkable letter which will be found at p. 509, denouncing the formation within his territories, and apparently not without his knowledge and connivance, of an illegal confederacy of "deboscheit and laules lymmaris calling thameselffis *The Societie and Companie of Boyis*," and bound by mutual oaths to make common cause with each other against all and sundry. It does not seem too much to suppose that this northern *Society of Boys*, of which one of the Gordons of Gicht and one of the Forbeses of Corsindae are named in that letter as the chiefs, and of which further mention will be found at p. 442, was partly an association of Roman Catholic co-religionists. Next to the family of the Marquis himself, at all events, the most obstinate family in Roman Catholic beliefs and practices in that portion of the north were those Gordons of Gicht whose chief distinction otherwise is that Lord Byron was their descendant. See at p. 345 the

procedure against Gordon of Gicht and one of his servants for the performance of two recent funerals in the family with Roman Catholic rites.

The Highlands and Islands.—If there was difficulty in making the law run even in those parts of the North where the Marquis of Huntly had his possessions, the difficulty was of course much greater over the Highlands and Islands generally. In fact, this was the portion of Scotland in which King James, with all his increased energy in the government of Scotland after his accession to the throne of England, was still least able to make way. The new flying police of the King's Guard, so effective in the central parts of Scotland, could not penetrate into even the nearer Highland parts of the mainland, while the more distant of those Highland parts of the mainland, and the long chain of the Hebridean Islands, stretched away, as they always had done, still more undiscernibly in their vague Celtic conditions of semi-independence. Such dealings as were possible, however, with those Celtic regions were not neglected. As examples of the more ordinary methods of dealing with the nearer portions of the Highlands, one may refer to the proceedings recorded at p. 11, p. 463 (Royal Letter), p. 68, and pp. 287–288 for crushing the last relics of the unfortunate and already broken MacGregors, to the entries at p. 263, p. 275, p. 511 (Royal Letter), and p. 400, respecting misrule in the Atholl country, and to those at p. 290, pp. 327–328, p. 368, p. 399, and p. 432, respecting the young Laird of Mackintosh and his tenants. But the main story of the action of the Scottish Government in the Highlands and Islands during the period of our present volume distributes itself into two continued enterprises for the reduction of the more distant Celts to obedience by the old plan of deputed lieutenancy, with power of fire and sword, to persons thought the fittest, by their abilities or their territorial connections, to lead expeditions into those outlying parts, or assume military command there. It might have been expected that for any such lieutenancy in *Kintyre and the Western Highlands* the person chosen would have been the Earl of Argyle, the natural lord in that region, and already so distinguished by his

recent suppression of the MacGregors. For some reason or other, however, it was not the Earl of Argyle but Comptroller Lord Scone that was entrusted with the command of a special expedition in 1605 against the Western or Argyleshire Islands. From the glimpses of the preparations for this expedition at pp. 59–60, pp. 68–70, p. 76, p. 91, p. 92, and pp. 115–117, it seems to have been a formidable affair, withdrawing Lord Scone and his subordinate Hepburn for a while from their more ordinary police duties in command of the King's Guard in the central districts round the Council; but the only distinct note of results is in a Council minute, of date 31st July 1606, at p. 229. A still more anxious business, however, than that of Kintyre and the Western Islands was that of the Northern Hebrides, called the *North Isles*, involving as it did the success, or even the possibility of the continuation, of that scheme for the colonisation of the Island of Lewis by Lowland adventurers and speculators which had been the grand stroke of the Scottish Government hitherto for the subjugation of those remote fastnesses of Celtdom, the development of their fisheries and other resources, and the extraction of profits thence for the royal revenue. For the history of this great business of the *North Isles* and its bearings on the Highlands generally through our present volume, see, chronologically, pp. 84-90, pp. 204–205, pp. 229–230, p. 255 and footnote, p. 504 (Royal Letter), pp. 511–512 (Royal Letter), pp. 516–517 (Letter of Council and Royal Letter), pp. 341–342, pp. 360–362, pp. 520–521 (Royal Letter), p. 528, and pp. 749–750 (No. 58 of the Miscellaneous Papers). For a while, in this series of documents, what we see is a new association of Lowland adventurers for the Lewis hewing and hacking among the natives there, and in the neighbouring isles, under full commission of justiciary from the King, and with power of fire and sword,—Mackenzie of Kintail, and perhaps some minor Celtic chieftains of loyalist tendencies, co-operating. Then, the adventurers succeeding but poorly, and the Clan Ranald, with M'Leods, M'Coulls, M'Inneses, M'Gillicallums, and others of the Celtic Islesmen, keeping up incessant insurrection, and reclaiming their native possessions, and threatening to overwhelm the Lowland intruders,

the task of maintaining the struggle for the royal authority is devolved for a while on Mackenzie of Kintail, with power of levies for the purpose from the shires of Inverness and Nairn. That does not suffice; and, late in 1606, the King makes up his mind that nothing will answer for the subjection of the North Isles but a Commission of Viceroyalty in those parts to some great Scottish nobleman, who will undertake the business with all his might, and perform it thoroughly. Apparently he has hesitated between the Earl of Argyle and the Marquis of Huntly; but the Marquis is to be the man. It is the hope of making a bargain with the Marquis for this service of a thorough conquest of the North Isles that leads the King to indulge the Marquis so long in his Roman Catholic propensities, and to protect him so long from the extreme Kirk-censures threatened by the Presbyterian clergy. In March and April 1607 there is elaborate negotiation, or semblance of negotiation, in Edinburgh between the Marquis and the Council as to the terms on which the Marquis will undertake the North Isles, with Articles set down on the part of the Council, demurrers to some of these Articles by the Marquis, and references of the whole subject to the King. The negotiation fails; the bargain is broken off; and the Marquis, as we have seen, has to take the consequences in the sentence upon him by the Council in June for his religious nonconformity. It would then seem that the King and Council turned their eyes again to the Earl of Argyle as the likeliest plenipotentiary for the Highlands and Islands as a whole. So at least the latest documents in the series may be construed, though the matter is rather hazy, and it may be doubtful how far it was contemplated that the North Isles should be annexed to that charge of the Western Islands to which the Earl had the most evident claims.

The Borders. — Here there was no such administrative feebleness as in the Highlands and Islands, because there were no such impediments to energy. From the time of James's accession to the English throne the Borders had become, in his language, the "Middle Shires of Great Britain," the passage through which must be made clear and easy thenceforth to traffic between North Britain and South Britain, and all relics of the

former savagery of which, whether on the face of the country or in the traditions and customs of the inhabitants, must therefore be trampled out. Far more, accordingly, than has yet been recognised, the period of the reign of King James traversed by our present volume is one of importance in the special history of the Borders.——As far as to March 1605, indeed, the records present us with no very rousing novelty in the methods of Border administration. Lord Home, who had been appointed in July 1603 to the general lieutenancy of all the three former Marches of the Scottish kingdom (vol. vi. pp. 833–834), continues in that office (see paragraph in Royal Letter at p. 463) with Sir William Cranstoun as his deputy, the two doing their best, as had been required by Lord Home's commission, to reduce the unruly inhabitants of those former Marches to a "godlie, peciable, and quyet forme of leving." Items of their procedure, with the assistance of the Privy Council, chiefly in compelling peace between the Maxwells and the Johnstones, will be found at p. 19, p. 20, p. 24, p. 26, p. 29, and the first page of the special series of documents relating to THE BORDERS (p. 701).—— From March 1605, however, as the reader will see from the study of the next eight pages of that special series of documents (pp. 702–709), the Borders are under an entirely new system of rule. A body of ten conjunct commissioners, five English and five Scottish, are appointed to the full charge of the English shires of Northumberland, Westmoreland, Cumberland, and part of Durham, and of the Scottish shires of Roxburgh, Selkirk, Peebles, Dumfries, and the stewartries of Kirkcudbright and Annandale, with power to meet when and where they choose, six to be a quorum, and to take means for the prevention and punishment of murders, felonies, riots, routs, and disorders within those bounds. The English Commissioners are Sir Wilfrid Lawson, Sir William Selby, Sir Robert Dolabel, Joseph Pennington, Esq., and Edward Gray of Morpeth, Esq.; the Scottish Commissioners are Sir William Seton, Sir William Home, Patrick Chirnside of East Nisbet, Robert Charteris of Amisfield, and Gideon Murray of Elibank; and one of the first acts of the conjunct Commission is to elect Sir Wilfrid Lawson their President or

Convener for the next three months. For commanders of their "horse-garrisons," or chiefs of their police for tracking out and arresting offenders, they are to have Sir Henry Leigh on the English side and the forenamed Sir William Cranstoun on the Scottish. Regulations for their common procedure having been agreed upon as at pp. 707–708, we are to suppose the conjunct Commission breaking itself for practical purposes into its English and Scottish sections, each operating in its own range of territory, but with due intercommunication with the other on occasion. The reader who would understand the proceedings of the Scottish section of the Commission from April 1605 to April 1607, and the state of the Scottish Border counties generally through those two years, must read consecutively the special Border documents of this volume from p. 709 to p. 728, connecting with these at the proper dates Privy Council minutes which will be found at pp. 81–82, pp. 103–104, p. 188, p. 203, pp. 206–207, pp. 237–238, pp. 250–251, pp. 270–271, pp. 286–287, p. 296, and p. 339, and also Royal and other Letters at pp. 477–478, pp. 486–488, and p. 489, and No. 45 of the Miscellaneous Papers (pp. 743–744). Never before had the Borders for two years together been under such ruthless discipline. We see Sir William Cranstoun, with his Border police of twenty-five horsemen,—quite a separate police from Lord Scone's central police or King's Guard,—scouring the culpable shires from Berwick to the Solway, spreading terror with them, and arresting criminals on old charges of theft, murder, or what not; we see the Commissioners holding justice-courts at stated places, trying the criminals thus brought before them, and making despatch of them, in most cases, with short shrift; we see the Commissioners reporting periodically to the Privy Council, asking instructions about difficult points, sometimes referring to the Council a doubtful case in which they think there might be mercy, but in every such case receiving back the significant order to "execute justice" on the poor wretch named,—*i.e.* to hang him; we see "rypers" appointed for search after stolen goods, and "lurgg dogges" kept, or recommended to be kept, in every parish, to aid this quest and detect reset of "lymmaris"; we see notorious thieving families broken

up, the iron gates of their houses removed and beaten into plough irons, many of their members dispersed as fugitives in other parts of Scotland, and those that remained forbidden to carry arms, possess a horse worth more than £30 Scots, or ride such horses with ordinary saddles. At the end of the first year the Commissioners report thirty-two persons to have been hanged at Hawick, Peebles, Jedburgh, and Dumfries (see their names, p. 719), fifteen to have been banished (see names *ibidem*), and "abone sevin scoir" as in the condition of fugitive outlaws, who ought to be pursued with hue and cry wherever they have dispersed themselves. That the severities did not then stop appears from a list at p. 720 of fifteen more hanged in Dumfries, Annan, and Jedburgh in the single month of October 1606, and from the fact that the number of Border fugitives, whose names were to be advertised on the market crosses of all towns and the doors of all parish kirks in all the "in-countrey," with prohibition to the lieges there to reset any of them or receive them into their employment without being authorised, had swollen by the end of 1606 from seven score to about thirteen score. See the list at pp. 724–727. Altogether there must have been very rough work among the Borderers both by the Commissioners and by Sir William Cranstoun's police; and Sir William must have been glad to receive and have registered in the Books of the Privy Council the Royal Act of Indemnity, dated Whitehall 15th December 1606, which is printed at pp. 286–287. As it exonerated him, and secured him against future question or prosecution for any of his proceedings, however violent, specifying particularly that, having had charge of "too mony presoneris disperat "of thair lyff or pardoun," he had been moved "often tymes "summarlie to mak a quick dispatche of a grite many notable "and notorious thevis and villanes by putting thame to present "death without preceiding tryall of jurye or assyse or pronuncia-"tioun of ony conviction or dome," one has to infer that the actual havoc of life through the two years was far greater than appears in the record.——As early as March 1606, the Scottish Privy Council had suggested to his Majesty and also to the English Privy Council that, notwithstanding the "wounderfull

goode succes" of the conjunct Commission of ten, there were reasons of convenience and economy why there should be a reduction of the number of the Commissioners to two for the English side and two for the Scottish. In their letter to his Majesty they had privately suggested also that it would be well to appoint some one great nobleman, of high name and authority in both kingdoms, to be supreme over the Commission, and that the Earl of Dunbar possessed all the necessary qualifications. But, although it would appear from the King's Letter given at p. 489, and also from other evidence, that the Earl of Dunbar did have his hands in Border affairs, in co-operation with the Commissioners, from April 1606 onwards, and though there seem to have been some modifications in the personal composition of the Commission in consequence, it is not till December 1606 that we hear of the formal appointment of the great Earl to the supreme Commissionership of the Middle Shires (Royal Letter, pp. 504–505). How far he acted in that capacity, and in what relations to the other Commissioners, or to any residue of them, through the early months of 1607 the records do not clearly inform us; but in August 1607, as appears from the important document at pp. 728–729, the last of the special Border series, a new arrangement was made for the Borders, both English and Scottish. Another conjunct Commission was constituted, of which the Earl of Dunbar and the Earl of Cumberland were to be the heads for the two nationalities respectively, with the title of his Majesty's Lieutenants, and with Sir William Seton, Sir William Cranstoun, Sir Robert Charteris, and Sir Gideon Murray as Commissioners under them for the Scottish side, and Sir William Selby, Sir Wilfrid Lawson, Sir John Fenwick, and Sir Christopher Pickering on the English side. That is the arrangement subsisting when our present volume closes. Whether any work in the Scottish Border shires remained for the Earl of Dunbar and the four Scottish Commissioners will be seen hereafter. It might have seemed that none remained. The severities of the Government of James VI. in the administration of the Scottish Borders from 1603 to 1607 ought to be more memorable in Scottish History than those of any of his ancestors, from James

I. to James V., in their famous justiciary expeditions into those parts. They mark at least the beginning of the decisive transition of the Borders out of their old state of lawlessness and turbulence into that modern state in which the imagination of the peaceful natives delights to conserve the memorials and traditions of the old turbulence, finds them inexpressibly picturesque, and has converted them into legend and song. This also was a direct consequence of the Union of the Crowns.

As in former volumes, so in this, it is a whole population of persons, once living and moving in Scotland, that is resuscitated in the succession of pages. To my valued assistant, Mr James Grant, M.A., I owe, in addition to his able and faithful co-operation with me in every part of the volume, the elaborate Index, in which the names of all the individuals of this resuscitated population are duly registered. It is by questioning that Index that historical, biographical, or genealogical inquirers will find whether the volume contains information of which they may be in quest about any particular person or family. While the ACTA AND DECRETA, the ROYAL AND OTHER LETTERS, the BORDER DOCUMENTS, and the MISCELLANEOUS PAPERS, yield generally the richest results, the ACTS OF CAUTION ought not to be neglected. Innumerable particles of fact, bearing on what appears elsewhere, or intrinsically interesting, are bedded in those dry-looking morsels. What persons deserve most attention throughout the volume on account of their importance in Scottish History from 1604 to 1607, and the general interest of their names now, has already been indicated. Next after King James himself, and with but a glance at the vanishing ex-Chancellor Montrose, we may mention again, among the secular men of conspicuous power in the government, or on its edge, Chancellor Dunfermline, the Earl of Dunbar, the Marquis of Huntly, Secretary Balmerino, and Lord Advocate Hamilton. See especially the footnote at pp. 493–496, in connection with a Royal Letter in the text, for the story of that momentous passage in the life of Dunfermline when, in consequence of a charge against him of complicity with the

delinquent ministers of the Aberdeen Assembly, he actually reeled for a time in his premiership and was well nigh ruined. Among the ecclesiastics the most eminent on the depressed Presbyterian side are Andrew Melville, James Melville, Robert Bruce, John Forbes, and John Welsh, and on the rising Episcopal side the several Bishops, with Spotswood, Archbishop of Glasgow, the ablest of them, and making his way to his future position of supremacy. An ecclesiastic, on the same Episcopal side in the main, who has almost faded from memory, but about whom there are curious particulars in the volume, worthy of being added to what appears about him in M'Crie's *Life of Melville*, was Robert Howie, first of Dundee and afterwards of St Andrews University. Nor ought James Nicolson, who died bishop-designate of Dunkeld, to be passed without some regard. Descending in the community from those chief statesmen and ecclesiastics, and ranging among the lairds, one notes nothing more interesting in the volume than the glimpse we have in the Royal Letter at p. 490, under date 29th May 1606, of Sir John Drummond of Hawthornden, as then in attendance on the King at Greenwich as one of his ushers. As is explained in the subjoined footnote, we know independently that his son, the poet, was then at Greenwich, in his twenty-first year, on his way to France to study law, and was writing from Greenwich certain letters to Scotland, descriptive of Greenwich festivities, which are about the earliest specimens of English we have from his pen; and the interest of the entry is that it enables us to see that the young poet was living in his father's rooms at Court, and in daily contact with the King, when those letters were written. By way of specimen of the social oddities that may be found in the volume, one may point to No. 50 of the Miscellaneous Papers, containing the complaint of an Aberdeen plumber against the Earl Marischal for loss and ill-usage in the execution of a contract for laying lead pipes at Dunnottar Castle, and the grave discussion in the Council at pp. 185–186 on the complaint of David Flesher, a Dundee tradesman, against young Scrymgeour, the Provost's son of that town. Dundee, as we have seen, was then in a state of democratic ferment against its

magistrates; and Flesher, who was one of the malcontents, had so enraged the Provost's son by not taking off his hat when they met in the streets, that the young aristocrat had twice torn the hat from the plebeian's head and trampled it under foot. The Council were divided in opinion whether Scrymgeour should be punished for his foolish assault or Flesher for his sulky unmannerliness, and dismissed them both with rebuke. The historical inference from the incident may perhaps be that even in those old days of strong distinction of ranks, and of the supposed omnipotence of gentlemen over churls, there was a considerable leaven already in Scottish society, or at all events in Dundee, of the sentiment to which Burns long afterwards gave expression :—

"For a' that, and a' that,
His riband, star, and a' that,
The man o' independent mind
He looks and laughs at a' that."

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA ET DECRETA 1604—1607.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA 1604.

Haddington MS. Excerpts, Fol. 329, a.

Act anent the slauchter of lambis, etc.—[Lambs] dischairgit to be slayne while the first of August nixt, under the payne of confiscation of the contravenaris haill guides. 5th April 1604. [Slaying of lambs.]

Fol. 329, b.

The magistratis of Dundie aganis certane communes thairof: the first contention betuix the saidis pairties. 10th April 1604. Dundie.

Chairge aganis Anstruther for redelyverie of certane pieces of his Majestie's tapestrie. 19th April 1604. Kingis tapestrie to be delyverit be Anstruther.

[The following heads of Acts or Decrees are taken from the *Minute Book*, where they are entered collectively, under date April 1604, without specification of days:—]

Minute Book of Processes, Fol. 1, b.

Band of lawburrows: Hew Kennedy for Johne M^{c}Craken to Johne M^{c}Eill. April 1604.

Band of cautionerie of releiff: Cunyngham of Corshill for Montgomerie of Waterstoun to the Earl of Glencairne.

Band of releiff of lawburrows: Earle of Cassillis to Uchreid M^{c}Dowall.

Band of lawburrows: Patrik Kinnaird for George Kinnaird to Patrik Ogilbie.

Band of lawburrows: David Torrie, &c., to the Earle of Murray, etc.

Band of lawburrows: Gilbert Rosse for Hew Kennedie to Johne Shaw.

Band of lawburrows: Robert Hamiltoun for Mr. William Kellie to Mr. Johne Lichesone.

Band of lawburrows: William Gray for James Gray to Patrik Ogilby.

Rebellione: William Hoppringle against William Ellott.

Rebellione: Johne Rowan against Alexander Hay.

Rebellione: Georg Lokhart against William Dumbar. Minute Book, Fol. 2, a.

Rebellione: William Baylie against James Kincaid.

Warrand for precognition against Patrik Kinnaird and Patrik Ogilbie.

Rebellione: James Forrett against Peter Patersone.

Rebellione: Johne Landis against Johne Vause.

Ryot and wearing of pistollis: James Graham against Jok Johnston.

Rebellione: Mary Boyd against Johne Boyd.

Rebellione: Johne Rankein against Thomas Howie.

Warrand for precognitione against Maxwell of Newarke and Maxwell of Calderwood.

Act discharging the slaughter of lambes for a certane space.

Suspensione: Alexander Greirsone against the Lord Elphinstoune.

Suspensione: Alexander Stewart against Sir Mitchell Balfour.

Protestatione: Comptroller against William Cunyngham.

Rebellione: Robert Johnstoun against Alexander Maxwell.

Rebellione: James Currie against Alexander Tod.

Warrand for precognitione against Penicook and Congiltoune.

Warrand for precognitione against Maxwell of Spottis and Johnstoune of Dunskellie.

Warrand to charge the Earle of Atholl to exhibit James Stewart, etc., theives, befor the Counsell.

Letters against Johne M°Vean Dow and uthers for ressett of the Clan Gregour.

Rebellione: Robert Durie against James Stewart.

Act discharging all skippers, etc., from importing any persones from England, becaus of the plague, while they certifie the magistrattis wher they arryve.

Warrand to cite Anstruther of that Ilk, who had some of his Majesties tapestrie in his handis.

Warrand to cite Herring of Gleshlun to appear.

Act ordaining the Estates to attend the Earle of Montrosse, Commissioner, for ryding the Parliament.

Act to charge the Commendatour of Inchaffray, etc., for the resett of Jesuit preistes.

2nd May 1604.[1] Marquis Huntlie to exhibit Makrannald [and some of his kin and clansmen, to answer to a complaint from the inhabitants of Strathardle and Glenshee].

"The Lords of Secret Counsall hes assignit, and be the tennour heirof assignis, the first day of November nix to cum to George, Marqueis of Haddington MS. Excerpts, Fol. 329, b.

[1] The Scottish Parliament, which had been called originally for the 10th of April 1604 (*ante*, vol. vi. pp. 596–597), for the special purpose of approving his Majesty's project of a union of the two kingdoms, and for nominating Commissioners to meet with Commissioners of the English Parliament for the consideration of the details of that great business, but which had been prorogued to the 24th of April (vol. vi. pp. 604–605), had duly met on this latter day in Edinburgh. After sitting three days, however, and electing the Lords of the Articles (see *Acta Parl. Scot.* iv. 258–262), it had been again prorogued, on the 1st of May, to the 3rd of July, in consequence of a letter from the King intimating that the business of the Union was not yet sufficiently advanced in the English Parliament to enable the Scottish Parliament to deal with it properly. This brief meeting of a Scottish Parliament from April 24 to May 1, 1604, is, therefore, less

Haddington MS. Excerpts.

Huntlie, for the entrie and exhibitioun befoir the saidis Lordis of Allestar M^cRannald of Gargavach, Donnald and Ronnald M^cRonnaldis, his brether, Johne Dow M^cRannald, Angus and Allane M^cRannaldis, his sonis, Allestar M^cEane V^cInnes, Johne, Angus, Donnald, and Ronnald, his sonis, to answer to the complent upoun thame be the inhibitantis within the boundis of Strathardle and Glensche, tuiching certane herschip and slauchteris committit be thame, at lenth specifeit in the said complent. Quhairupoun thair wes letters of horning decernit aganis the said Marqueis upoun the xvi day of December j^m v^c and twa yeiris, for not exhibitioun of the saidis personis, and the executioun of the saidis letters ordanit to be supercedit quhill Candilmes thairefter, with certificatioun to the said Marqueis, and he failyie, that the saidis letters salbe ordanit to be putt to executioun againes him, conforme to the tennour of the said decreit in all pointis. The said Marqueis of Huntlie, being personalie present, and the saidis inhabitantis of Strathardle and Glensche, compeirand be Andro Spalding of Aschintullie, thair procurator, ar wairnit heirfoir *apud acta*."

Proclamation aganis Maister Johne Hamiltoun and Mr Robert Abercrumbie, dischairgeing all men to resset thame, and commanding all men to tak thame. 3rd May 1604. Proclamation aganis Jesuites.

Decreit arbitrall betuix the Marqueis of Huntlie and the Erll of Murray. Erle Murray and Huntlie.

[The following heads of Acts or Decrees are taken from the *Minute Book*, where they are collectively entered under date May 1604, none of the entries having a particular date prefixed to it:—]

Minute Book, Fol. 2, a.

Band of cautione: Adam Hepburne for William Shaw to buy armour from Sir Mitchell Balfour. May 1604.

Band of lawburrows: George Hamiltoun for Johne Logie, &c., to Johne M^cLingham.

Bank of cautionerie: Robert Hereot for James Sandilandis to exhibit James Baylie.

Fol. 2, b.

Band: Johne Murray, &c., to present Robert Buchanan befor the Counsell.

memorable on its own account than for certain personal promotions and changes of office that had been made in view of it. The Earl of Montrose appeared in the Parliament not merely in that office of Chancellor of the Kingdom which he had held since January 1599, but as special representative or vice-gerent for the King, under the title of "His Majesty's Great Commissioner," while Lord President Fyvie appeared as Montrose's substitute in the Chancellorship, under the title of "Vice-chancellor" or "Chancellor in this Parliament." This was but preliminary to a change apparently already in contemplation, —viz., the honourable shelving of Montrose in a nominal dignity, and the permanent elevation of Fyvie to the full Chancellorship. See Introd. vol. vi. p. lxviii. Moreover, four persons hitherto not of the peerage had been created peers in anticipation of this Parliament, and sat in it as peers. James Hamilton, eldest son of Lord Paisley, and known hitherto as Master of Paisley, was now created Lord Abercorn; Secretary Sir James Elphinstone was now Lord Balmerino (created Feb. 20, 1604); Sir John Murray of Tullibardine was now Lord Tullibardine; and Colvill of Wemyss was now Lord Colvill of Culross. Eight new knighthoods were conferred about the same time.

Band of cautionery: David Menzes for Gilbert Menzes, and other small barrones within Kincardin. Minute Book May 1604.

Band of lawburrows: Thomas Maxwell for Cuthbert Broune to Johnne Mundall.

Band of lawburrows: Lord Fleming for Malcolm Fleming to Robert Boyd.

Band of lawburrows: Johne Buchan to Sir Johne Murray for Sir William Stewart.

Band of lawburrows: Thomas Hay, etc., to the Earle Argyle.

Band of lawburrows: James Hamiltoun for Andro Hamiltoun to Robert Boyd.

Band of lawburrows: Johne Cunyngham for James Cunyngham to George Cunyngham.

Band of lawburrows: James Douglas to Mr David M^{c}Gill for Johne Cranstoun.

Band of lawburrows: Patrik Agnew to Johne Dalrymple for James Kennedy.

Band of lawburrows: Earl of Cassillis for Hew Kennedy.

Ryott: Walter Wood against George Wishart.

Act of lawburrows: Johne Watsone against William Meggait to Clement Russell.

Warrand of precognitione against the Lord Roxburgh and Ker of Ancrum.

Warrand for precognitione against Sir Walter Scott and Boswall of Balmouto.

Warrand for precognition against the Lord Sinclare and Robert Sinclar.

Warrand to charge the baron baylie of Calder for wrongous imprisonment of James Baylie.

Warrand to charge Hary Lesly for directing of cartallis.

Petitione be the assemblie of Angus and Mearnes to the Counsell.

Proclamatione that the Parliament sitt at Perth becaus of the plague in Edinburgh.

Act prohibiting intercommoning with Mr Johne Hamiltoun and Mr Robert Abercrombie, jesuitis.

Act prorogating the tyme of downe-sitting of the Sessioune becaus of the plague in Edinburgh.

Complaint of oppression: Sir Patrik Bannatyne against the Earle of Orkney.

Precognitione against James Herring. Fol. 3, a.

Complaint of oppressione: the Laird Merchistoune against the magistrattis of Edinburgh.

Rebellion: Mr Georg M^{c}Cairnes against David Rossie.

Rebellione: Matheu Baylie against Alexander Jardin.

Suspension of lawburrows: Patrick Kinnaird against Patrick Ogilbie.

Suspension [of] lawburrows: George Kinnaird against Patrik Ogilbie.

Minute Book, May 1604.

Rebellione: William Johnstoun against Hew Carmichaell.

Rebellion: Lord Atholl against Sir James Scott.

Rebellione: Mr James Gray against Sir James Creichtoun.

Rebellion: Robert Cunyngham against George Lesly.

Precognitione against Alexander Penicook and Francis and James Congiltounes.

Letters for wearing forbiden weapones: Advocatt against Maunes Mowatt.

Oppressione: William Rollok against Patrik Strauchan.

Decreit arbitrall pronounced be his Majestie and uthers, Lords of Secreit Counsell, betuixt the Marquis of Huntly and the Earle of Murray.

Rebellion: Johne Sheirer against Patrik Hoom.

Rebellione: Issobell Gray against Andro Meldrum.

Act whereby certane of the name of M^{c}Gregor doe renunce ther names.

Precognitione against the Lord Glames and Sir Robert Creichton.

Letters against the Earle Argyle to exhibit Sir James M^{c}Connell befor the Counsell.

Act: the Lord Newbotle to be ansuerable for the peace of these persones whom the Lord Hereis is obliged for while his return to the countrey.

Act of consignatione be Charteris of Amsfeild.

Rebellione: Mr Hendry Duncan against James Futhie.

Haddington MS. Excerpts, Fol. 329, b.

Anent the reparatioun of the palice of Halyrudhous:—Licence to my Lord Secretar to tak to this work, whilk is the King's awin work, whatsumevir workmen fra ony uther work, for expeditioun of the said reparation, etc. 10th July 1604. Reparation of the palice of Halyrudhous.

Ordour tane with ranking of my Lordis Lindsay, Glamis, and Fleming. 11th July 1604.[1] Ranks of sum Lordis.

[1] The adjourned Parliament, which had met at Perth on the 3rd of July, rose this day, July 11, having passed a small number of Acts (*Acta Parl. Scot.*, iv. 262-276). The most important was that entitled *Commissioun for the Unioun*. By this Act the following persons, or any twenty of them, were empowered to meet and confer with the Commissioners for the Union appointed by the English Parliament:—the Earls of Montrose, Errol, Marischal, Glencairn, and Linlithgow; Spotswood, Archbishop of Glasgow; Lindsay, Bishop of Ross; Gladstanes, Bishop of Caithness; Walter Stewart, Prior of Blantyre; Lords Glammis, Elphinstone, Fyvie, Roxburgh, Abercorn, Balmerino, and Scone; Sir James Scrymgeour of Dudhope; Sir John Cockburn of Ormiston; Sir John Home of Cowdenknowes; Sir David Carnegie of Kinnaird; Sir Robert Melvill, elder, of Murdocairny; Sir Thomas Hamilton of Binnie; Sir John Learmonth of Balcomie; Sir Alexander Straton of Lauriston; Sir John Skene of Curriehill; Mr John Sharp of Houston and Mr Thomas Craig, lawyers; and Henry Nisbet, George Bruce, Alexander Rutherford, and Alexander Wedderburn, merchants. It was declared in the Act that his Majesty's intention in the proposed Union was "onlie to alter and reforme sic indifferent and temporall statutis, particular customes, or speciall ordinances, quhairby the bygane rememberance may be extinguisched, and the future grouth preventit, of mony particular debaittis and unhappie accidentis quhilk micht heireftir disturb that constant love and perfyte amitie betwix boith natiounes sa tenderlie wisched by his maist excellent Majestie";

12th July 1604. His Majesties plaitt and silver work.

Warrand registrat, direct to the Erle of Mar, to delyver to Bernard Lindsay his Majesties plait and silver work being within the castell of Edinburgh, to be brocht to his Majestie. Haddington MS. Excerpts, Fol. 330, a.

26th July 1604. Mr James Skene admitted clerk of register [in succession to his father, Mr John Skene, who has resigned the office].

"The quhilk day in presence of the Lords of Secret Counsall and some of the Sessioun compeirit personallie Mr James Skene, eldest lawfull sone to Mr Johne Skene, clerk of our Soverane Lordis register, and producit befoir the saidis Lordis his Majesteis letters and gift under the greit seill, quhairby his Hienes hes maid and constitut the said Mr James clerk of his Majesteis register and rollis, upoun a dimissioun and resignatioun maid of the same office in his Majesteis handis be the said Mr Johne Skene, his fader, and his procuratouris in his name, togidder alsua with his Majesteis missive letter direct to Johne, Erle of Montrois, chancellar, for ressaveing and admitting of the said Mr James to be ane of the nowmer of his Majesteis Previe Counsel;[1] and, conforme thairto, maist humble desyrit the saidis Lordis to ressave his aith *de fideli administratione* in the saidis offices, conforme to the ordour. The Lordis of Secreit Counsal and Sessioun, acknowlegeing his Majestis favour and benifeit shawin to the said Mr James in this mater, ressaivit the said Mr James solempne and greit aith of his faithfull administratioun and using of the said office of Clerk of Register in all thingis belanging thairunto, as also that he sall gif his trew and efauld counsall in all thingis quhilk salbe proponit in Counsall, and that he sall keip the same secreit and unreveillit. Qhuairupoun the said Mr Johne Skene, his fader, askit instromentis."

Patrik Abercrumbie contrair Presbiterie of Lithgow: ministers fund to be juges to the sclander for resset of Jesuites and heiring mess.

"Anent our Soverane Lordis letters raisit at the instance of Patrik Abercrumby of Bonnytoun, Elisabeth Hammiltoun, his mother, and Agnes Forsyth, his spous, makand mentioun that quhair, be twa severall pretendit preceptis direct fra the presbetrie of Linlithgow and moderatour thairof, thay wer and ar chairgit to compeir befoir thame within the kirk of Linlythgow betuix ten and elevun houris befoir none,—viz., the first upoun the sevint day of Junii last, to answer upoun the ressett of a Jesuit and seminarie preist and for the allegeit heiring of mes, and upoun the fourteine day of the said moneth of Junii betuix ten and allevin houris befoir none, affixit for the said compleneris compeirance as said is, to purge thameselffis of ane allegeit sclander arryssing tuiching the allegeit conceilling of ane preist and heiring of his mese,—with certificatioun gif the said complenaris failyeit thay wold hald thame *pro confesso*, and will proceid aganis thame with the censure of excommunica-

and, in a separate *Act in favouris of the Kirk*, it was specially provided that the Commissioners should have no power to "do ony thing that in ony maner of way may be hurtfull or prejudiciall to the Religioun presentlie professit in Scotland, Actis of Parliament maid in favouris of the samyn religioun, and discipline establissed and observit for intertenement and preservatioun thairof." This Act reserving the religion of the Kirk was the result of urgent demands to that effect in the Parliament by the Presbyterian lairds and burgesses, and by some noblemen, led conspicuously by the Earl of Morton.

[1] See the letter among *Royal and Other Letters*, under date "Whitehall, 14th May 1604."

Haddington MS. Excerpts.

tioun: lyke as the said presbetrie intendis to proceid againis the saidis complenaris, albeit thay be nawayis jugeis competent to thame in the said mater, for the ressonis following:—In the first, thair ar twa severall lybellis to twa severall dyettis, ane for the allegit resset of a Jesuit and seminarie preist and allegeit heiring of mese: quhairunto the said presbitrie can nawayis be jugeis competent, becaus thay ar baith juge and pairtie, in so far as the said Patrick compeirand personallie befoir thame and humblie demandit ane laufull accusar, quha all in a voice declairit thameselffis to be accusaris, jugeis, and pairteis to the saidis complenaris, and refuisit to gif thame ather author or accusar,—as ane autentick instrument takin thairupoun, schawin to the Lordis of Secreit Counsall, hes verifiet. Secundlie, thay can nawayis be juges as said is, becaus the said persutte is criminall, importing ane capitall paine; and nather can thay, be the lawis of this realme and Actis of Parliament, compell the saidis complenaris to gif thair aithis in the said mater, albeit thay be altogidder innocent, nor ressave na maner of probatioun nor cognitioun thairanent,—quhilk is altogidder abrogat fra thame be dyvers speciall Actis of Parliament. And sua the same man be tryit be the Lordis of Secreit Counsall, or be his Majesteis justice generall and his deputtis, or by ordinar jugeis in sic crymes, according to the inviolable customis observit in all tyme bygane. And the uther lybell is allegeit to be a sclander arissin upoun

Fol. 330, b.

the saidis complenaris for the allegit conceilling of ane preist and heiring of his mese,—quhairunto in lyk manner the said moderatour and presbitrie can nawayis be jugeis competent, seing thay ar the authour and mover of the sclander thameselffis: quhairby thay wald intend to elude the first persute, quhilk is altogidder criminall, and transforme the same in nature of a persute of sclander, quhilk is na uther thing bot a criminall persute in the selff, baith of a substance, effect, and a lyk pane, and to nane of thame ar the said moderatour and presbiterie jugeis, bot aucht to be simpliciter dischairgit of all farder proceiding thairintill for the ressonis foirsaidis. Alwayis the saidis complenaris, for a testimonie of thair innocencie and for a willing tryell in this mater, hes instantlie fund cautioun actit in the buikis of adjornall for thair personall compeirance befoir his Majestie and the saidis Lordis, and underlying of tryell thairanent, under the pane underwrittin, as is allegit. And anent the chairge gevin to the haill ministrie and presbitrie of Liulithgow quha wer convenit and sittand in jugement for the tyme within the counsalhous of the kirk of the burgh of Linlythgow, to have compeirit be ane or twa of thair nowmer sufficientlie instructit for the rest, and to have brocht and producit be [? with] thame the lybellit preceptis foirsaidis and executiounis thairof befoir the Lordis of Secreit Counsall at ane certane day bygane, to have bene sene and considerit, and to have hard and sene the same and persutte thairof advocatt and remittit be the saidis Lordis to his Majesteis justice generall and his deputtis, and the said moderatour and presbetrie dischairgeit of all forder proceiding thairintill, or ellis to have schawin ane ressonable caus quhy the same sould not be done, with

certificatioun to thame and thay failyeit the saidis Lordis wald advocat and dischairg in manner foirsaid, as at mair lenth is contenit in the said letters, executiouns, and indorsatiouns thairof. Quhilkis being callit, and the said Patrik Abercroimby compeirand personallie for himselff and in name of the remanent personis foirsaidis, and Mr Robert Convell, minister at Linlythgow, and William Ker, persone of Inchmawchane, twa of the saidis defendaris, compeirand lykwayis personallie for thameselffis and in name of the remanent defendaris, the ressonis and alligatiouns of the pairteis present being hard and considerit be the Lordis of Secreit Counsall, and thay ryplie advysit thairwith, the Lordis of Secreit Counsall findis that the ministeris of the said presbitrie ar juges competent to the secund point of the saidis letters tuiching the sclander foirsaid, and thairfore the saidis Lordis remittit this same mater tuiching the said sclander to be tryit and tane ordour with be the saidis ministeris as accordis of law; and the saidis Lordis dischairgeis the ministeris of the said presbitrie of all farder proceiding in the first point of the saidis letters, tuiching the said perseweris ressett of ane Jesuit and seminarie preist, and tuiching his allegeit heiring of mese [*sic*], and of thair offices in that pairt, for the ressonis and caussis abonewrittin." Haddington MS. Excerpts.

27th July 1604. Suspensions to be granted to these wha ar tene be the Gairde sall beir that they ar in the Gairdes hands.

The whilk day the Lords of Secret Counsall ordanis that, in caice the Capten of his Majesties Gairde or ony of his company [? apprehend a defaulter], and that efter thair apprehensioun the partie apprehendit sall seik suspensioun, that the same suspensioun sall not be valid nor effectuall unles speciall and particular mentioun be maid in the suspensioun that the said complenar is in the Guairdis handis. Fol. 331, a.

The Lady Athole contrar Erle of Athole: actioun for convocation, asseging, taking and spulzeing hous, remitted to the judge ordinar.

Ane action persewit be my Lady Athoill, elder, aganis this Erle of Athole, for asseigeing hir houssis, with convocation and munition and artelyerie, taking and spulyeing of hir houssis, writtis, coffers, abulyementis, taking of hir servandis and spulyeing thair geir, remittit to the judge ordinary.

[The following titles of entries are taken from the *Minute Book* under date July 1604, no particular date being prefixed to any of them:—]

July 1604.

Warrand to the Earle of Marr to delyver the Kings plate to Bernard Lesly [? Lindsay]. Minute Book.

Letters: Robert Boyd against the Earll of Eglintoun and others to find cautione not to intercommon with William Montgomrie and uthers.

Rebellion: Patrik Gray against the Maister of Craufurd.

Complaint of breach of assurance: Stewart of Traquar against Murray of Philophall. Fol 3, b.

Letters to cite the Lords Hoome and Fleming for produceing ther infeftmentis to prove ther prioritie in Parliament, which wes in disput betuixt them.

Minute Book. Precognitione against the Earle of Roxburgh and Ker of Ancrum. July 1604.

Wrongous imprisonment: Baylie of Litlegill against William Rosse.

Rebellione: Johne Fortoun against the Countesse of Atholl.

Suspension: Patrik Abercrombie against the Presbetrie of Linlithgow.

Warrand to cite Mr Donald M^cAngus to find cautione to keip the peace.

Act for compelling of masones to come and build the ruinous pairt of the palace of Hallirudhouse.

Act commissionating the Laird of Blair and others for visiting the harboure of Irwing.

Warrand for precognitione against Rutherfoord of Hundlie and Ker of Craigmiller.

Oppression: Duncan Gordon against Allan Johne Dow M^cRonalds.

Precognitione against Angus M^cConneill and uthers.

Letters of convocation against the Lord Lindsey.

Precognitione against the Lord Roxburgh and Ker of Fairnhirst.

Ryott: Hendry Kinneir against William Bruce.

Act of the admissione of Mr James Skeen to be clerk register.

Precognitione against Sir Johne Boswalle, etc.

Complaint: the magistratts of Couper against Johne Hadderwik for breach of prisone.

Letters against the Lord Hoome and uthers to compeir and give advyce how the Bordouris may be retained peaceablie.

Letters: James M^cMath against the Lord Creichtoun for intercomoning with Robert Creichtoun, rebell.

Suspensione: Robert Boyd against Sir Mitchell Balfour.

Rebellione: Mr James Row against Johne Lindsey.

Rebellione: Samuell Ord against Andro Meldrum.

Rebellione: David Graham against George Boswall.

Rebellione: Commendatour of Inchaffray against Edward Tauscheauch.

Fol. 4, a. Rebellione: James Nicoll against Patrik Herring.

Rebellione: Johne Robertsone against Johne Andersone.

Rebellione: Jerom Balfour against Sir James Shaw.

Precognitione against Rory M^cCleud and uthers.

Oppressione: Countesse of Atholl against Lord Innermath.

Oppressione: Alexander Creichtoun against Colin Campbell.

Act ordaining that all suspensiones (where the partie is in the Guardis handis) to be null except the suspensione particularlie mentione the same.

Ryott: David Leich against Alexander Forsyth.

Ryott: William Barcley against Walter Barcley.

Rebellione: Bernard Lesly against Jok Armstrang, &c.

Rebellione: Mr Nicoll Gilbert against Lord Somervale.

Rebellione: Patrik Nimok against Johne Stewart.

Suspensione of relieff: Cunyngham of Tourlandes against the Earle Glencairne.

July 1604. Rebellione: George Murray against Johne Maxwell. Minute Book.
Ryott: Cunyngham of Tourlandis against Thomas Jardin.
Suspension: Earll Argyle against Andro Ramsey.
Rebellione: William Stalker against Peter Broune.
Letters: George Drumond against Lauchlan M°Intosh, &c., for exhibiting of Lauchlan M°Ean.
Rebellione: Mr William Russell against Andro Litljohne.
Act whereby the Comptroller obligeth himself to pay to the Earle Argyle 5000 merks for his service against the Clan Gregour. *Item*, some uther acts relating thairto.
Act to charge the Kinges tenentis in Ila and Kintyre to find cautione to pay the Kings rents.
Suspension: Earle Argyle against Johne Young.
Rebellion: Mr James Bow against Michaell Balfour.

21st Aug. 1604. Act anent the rouping of the custumes. "Forsamekill as the tyme of the expyring and outryning of the tak of the greitt coustomes of this kingdome now approcheis and drawis neir, and the Lordis of Secreit Counsall being cairfull of the advancement of his Majesteis proffeitt, and to sie his Hienes rentis and customeis put to the best availl, thay haive thairfoir thocht meit and ordenit that the same customes salbe roupit within the burghe of Perth upone the tent day of September nix to cum, and that sic personis quha sall bid best for the same customes sall haive thame, and thairfoir ordeanis letters to be direct to mak publicatioun heirof be oppin proclamatioune at the placeis neidfull, and to wairne all and sindrie persones quha ar desyrous to haive the said customes that thay compeir in the said burghe of Perth upone the said tent day of September nixt, and thair bid and offer for the same customes as effeiris,—with certificatioun to thame that compeiris not that thay sall not be haldin to bid for the same customes heirefter." Haddington MS. Excerpts, Fol. 331, a.

30th Aug. 1604. Ane Tait, entered pledge in England, obteanis decreit aganis the rest to contribute to his expensis. Williame Tait of Chirretries alledging that at the meiting of Scotland and England in anno 1598 the persones following of the name of Tait wer fyllit in the billis underwrittin, viz.:—Henry Tait of the Boig wes fyllit in ane bill of Thomas Rutleg in Kellen, whilk wes sworne to fyve quayis of thrie yeir auld, pryce of the peice xxxs. sterling, and ane bull stot, pryce thairof xxxs. sterling; Stevin and William Taittis in the Hoill wer fyllit in a bill of Wattie Jaksones of Hedden, whilk wes sworne the [? to] xxvi auld scheip, pryce of the piece fyve s. sterling, &c.; and swa furth verie mony Taittis fyllit of ane great number of Inglis billis, etc. For redres and payment of the whilks bills the said compleanar, wha is ane trew man and obedient to the laws, wes enterit be the Lord Roxburgh, wairden for the tyme, as pledge to the opposite officer of England, and remaynit in Ingland upon his awin charges, extending daylie to thrie s. sterling, fra the 29 of May 1598 to the xv of Apryle 1603, extending in the haill to £3229 Scotts money. And, albeit the commissionars of Scotland ordanit that all the name of Tait sould con-

Haddington MS. Excerpts.

tribute to the payment of the complenaris chairges during his remayning in wairde, yit thay refusit to do it. Thairfore, this persewar callit thame all before the Counsall; and, baith the pairties compeirand, and the persewar verifieand, be the Laird of Wedderburne and Greneheids letter, that it wes swo ordanit be the commissionars and commandit be the King, the Lordis decernit the defendars to pay the persewar ten merks oulklie for his expensis during his wairding.

Act anent the benefite for taking of Makgregores entendit in favour of Camstrodden.

"Anent the supplicatioun presentit to the Lordis of Secreit Counsall be Johnne Colquhoun, fear of Cambustroddane, makand mentioun that quhair, efter the horriable and detestable murther committit be the wicket and unhappie Clan Gregour upone his Majesties guid subjectis of the Lennox, his Hienes and Lordis of his Secreit Counsall resolved altogidder to extirpat and rute out that infamous race, and for the better effectuatting

Fol. 331, b.

thairof actis and proclamatioun wer maid and publeist promeissing a frie pardone and remissioune to quhatsumevir persone or persones quha sould tak, slay, and present to justice ony of the saidis lymmeris, as in the saidis actis, publeist ouer all the pairtis of this kingdome, at lenthe is contenit. And, considdering thairby the sinceritie of his Majesties harte to have thais infamous lymmeris puneischit, and being moved thairwithall to give his Hienes a pruiff of his effectioun to his Majesteis service in that erand, the said complener, to the greitt perrell and haissart of his lyff, resolved to persew them with his haill force, and, efter mony skirmissis and onsettis had at sindrie tymes with divers of thame, at last he maid ane onsett on umquhill Gregour Cragniche M°Gregour, Duncane M°Ilchallum, and certane utheris of the maist commoune and notorious thevis of all that race, and, efter a lange and dangerous conflict had with thame, with the loss of the bluid of certane of the complenaris servandis, he apprehendit thame, committit thame to waird,—within the quhilk the said Duncane barbarouslie stikit himselff, quhais heid, with the said Gregour Cragniche, he presentit to the saidis Lordis of Secreit Counsall at Striveling; quha wes execute to the deid, as he worthlie mereite. And, seing in this particular the said complenar, for a testimonie of his effectioune to do his Majesteis service, hes haissard his lyff, and presentit the saidis persones as said is, the benefite of the said Act aucht to be extendit to him and in his favouris: humlie desyring thairfor that he mycht haive ane act of Counsall past and exped in his favouris in maner and to the effect following,—lykas at mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considderit be the Lordis of Secreit Counsall, and thay ryplie advysit thairwith, and knowing perfytlie that the saidis theives and lymmeris wer tane, apprehendit, and presenttit be the said Johnne Colquhoun in maner forsaid, thairfor the saidis Lordis of Secreit Counsall findis and declairis that the said Johnne Colquhoun, in the persute, taking, and apprehending of the saidis Gregour and Duncane, and presentting of thame to the saidis Lordis in maner foirsaid, hes meriteit the benefite of the saide Act, and ordeanis the same Act to be as lairglie extendit in his favouris for all thingis preceid-

ing the taking and apprehending of the saidis theveis and lymmeris as give thay wer speciallie and expreslie contenit within the said Act." Haddington MS. Excerpts.

25th Sept. 1604. Licence to Edinburgh to elect thair magistrates at Michelmes, and letters to chairge thame that ar chosin to accept.

"Anent the supplicatioun presented to the Lordis of Secreit Counsall be the proveist, beillies, and counsall of Edinburgh, makand mentioun that, quhair the ordinarie and auld custamet tyme of the electioun of thair magistratis is now approching, the greitter heast is now requyrit heirin, be ressoune that theis quha this yeir bygane hes borne office ar sua weyrat that, without thay be suppliet and utheris placeit in thair roume, the governament of that towne in this dengarous tyme of the infectioun will be cassin louse, and these quha beiris functioun will na langer undergo the samyn, thay haiveing alreddie servit in thair officeis be the space of ane yeir, sua the delay or procrastinatioun of the electioun will breid nothing at all bot confusioun within that burghe, the former magistratis not being bund to serve ony langer: humblie desyring thairfoir that thay mycht haive ane act of Counsall and letters grantit to thame in maner and to the effect following:—lyk as at mair lenth is contenit in the said supplicatioun. Quhilk being red, hard, and considderit be the Lordis of Secreit Counsall, and thay being thairwith weill advyssit, and considdering thairwithall how necessar it is that in this dangerous tyme of the infectioun within the said burghe ordour be tane for the governament thairof, thairfor the saidis Lordis of Secreit Counsall hes geven and grantit, and be the tennour heirof geveis and grantis, libertie and licence to the persones haveing voit in the electioun of the magistratis within the said burghe this present yeir to proceid to the electing and cheissing of thair magistratis, for the yeir to cum allanerlie, at this Michealmes ensewing, in that auld and ancient maner and forme keipit and useit within the said burghe thir money yeiris bygane; and, the said electioun being maid, that letters be direct chairging the persones quho salbe electit, nominat, and chossin in ony office within the said burghe [to] except the same upone thame and to attend thairupone,—quhairthrow the guid governament within the said burghe may be continewit, and that the samyn be not without ordour in this sa greit a dangerous tyme,—within sex dayis nixt efter thay be chairgit thairto, under the pain of rebellioun and putting of thame to the horne, and, give thay failye, the said space being bypast, to denunce thame rebellis and put thame to the horne and to eschait."

Annulling of the election of the magistrates of Dundie.

The magistratis contrare the commonis of Dundie: [Act] annulling the pretendit election of magistratis laitlie maid be the saidis commones and dischairgeing the saidis new elected magistratis to use the said office, and chairgeing thame to enter in severall wairds. Fol. 332, a.

26th Sept. 1604. Sequestration of cornis.

Contention being betuix Johnne Grahame of Balgowne and George Olifant of Bachilton, anent cornis growand upoun the merchis of thair lands acclamed be aither of thame, the pairties compeirand, the Lords ordanit the sheref of Perth to scheir and wyn the said corne, and set it on

Haddington MS. Excerpts.

the Laird of Gorthies land as ane newtrall man, whill it be decydit be ordour of law to whome it perteanis.

Chairge to delyver Knokdoleans dochters to the Maister of Montrois.

"Forsamekill as umquhill Johnne Ghrame of Knokdoliane being now depairtit this lyfe, and thairby the waird of his lands and leving, with the mariage of Ghrame, his dochters, fallin in his Majesteis hands and being at his Hines gift and dispositioun, necessar it is for his Majesteis better surtie, alsweill anent the said wairde as mariage, that the saids daughters of the said umquhill Johnne be delyverit to the Counsall: and for this effect ordaines letters to be direct chairging and all uthers haivaris, keiparis and detenaris of the saids to delyver thame to Johnne, Maister of Montrois, to the effect he may present thame to the Counsall quhan he salbe callit for to that effect, within xxiiii houris nixt efter the chairge, under the paine of rebellioun."

Proclamation aganis the extraordinar meitingis of the ministrie.

"JAMES, be the grace of God, King of England, Scotland, France, and Ireland, defendar of the faithe, to our lovitis, etc., messingers, our shereffis in that pairt, conjunctlie and severallie, speciallie constitut, greitting:— Whereas, we haveing frome our first yeares beine trayned up in that sinceiretie of religioun quhairof we haive in all our lyfe maid publict and constant professioun, for the propagatioun quhairof we haive not onlie authorized the professouris of the same and the hole ministrie with mony favorable actis and statutis, alsweile for maintening of the discipline as represing and extingueising of all contrarie professionis, and yit still continewis in the same princlie dispositioun; so as ewery weill affectit subject of quhatsoeyir degrie or calling, bot speciallie these of the ministrie hathe most just caus, onlie of the experience of the tyme past, to expect assuiredlie that steidfast course to be sa still keipit quhilk is alwayes meittest for the glorie of God and contunewance of the peace and quietnes of the Church,—calling to memorie how tendarlie, and with quhat paines and trevellis, we by our royall authoritie not onlie reduced thair discipleine to more setled conformitie nor it had caryed befoir, and nevir did attempt ony thing to the alteratioun of it by [*i.e.*, without] thair awin expres allowance and consentis, as the actis and constitutionis of thair awin Generall Assemblie maid thairanent at mair lenth doethe proport. Nochtwithstanding quhairof, we ar informit that certane turbulant and unquiet spreitis amangis the ministerie, not content to continew in thair conditioun of good ordour quhairby they haive flourishit thir many yeires, bot evir moving sturis in the hartis of the more simpill and ennemys to lauchfull governament, preising to reduce the discipleine and ordour of the Kirk to thair wised anarchie, without ony warrand aither frome us or the commissioners of the Generall Assemblie, assemblis and conveynis thameselfis in extraordinarie maner and upoun sic pretextis as they pleis out of thair fanteseis to imagine, thairby meaning to disturbe the policie and gud ordour establisched by us with thair awin consentis for the authoriseing of the sinceritie of religioun by thame professit and disciplen of the same, contrare to mony gud and loveabill statutis and Actis of Parliament maid anent unlauchfull convocationes and extraordinarie assembleis, to the

appeirance of greit confusioun and derogatioun of our princlie authoritie, without tymous remeid be provydit. Our will is heirfoir, and we charge you straitlie and commands that, incontinent thir our letters sene, ye pas to the mercat croces of the haill borrowes of that our realme and others places neidfull, and thair, be oppin proclamatioun in our name and authoritie, command and chairge all and sindrie our subjects of quhatsumevir degrie or conditioun, speciallie of the ministrie, that nane of thame presume nor tak upon hand to assembill or conveine thameselfs in extraordinarie maner, or to haive any conventiounes or meitingis in tyme cuming not authorized by our lawes, statutis, and Actis of Parliament maid and set down thairanent, under the paines speciallie expressit and contenit in the same Actis to be inflictit upon the contraveinaris withe all rigour and extremitie in exampill of others, and farder to be reput and esteamit as authouris of seditioun and tumult in the commounweill, and to be persewit and punneist for the same as appertenis, as ye will ansuer to us thairupon,—the quhilk to do we commit to you conjunctlie and severallie our full power. Gevin at our Honnour of Hampton Courte, the 27 day of September, and of our regnne the secund of England, France, and Irland, and xxxviii of Scotland, 1604."[1] Haddington MS. Excerpts. Fol. 332, b.

28th Sept. 1604. [Disputed election in Dundee.]

Warrand for breking up the toubuith dur of Dundie.

Denunce the deaconis of Dundie.

Proclamation for obeying the magistratis of Dundie.

[The following heads or titles of Acts or Decrees are taken from the *Minute Book*, where they are entered collectively under date September 1604, no particular date being profixed to any of them] :—

Sept. 1604.

Commissione to the burgh of Tayne to apprehend William Clyne and Margaret Tayleour, incestous persones. Minute Book, Fol. 4, a.

Oppressione: Donald M^c^Arthour against Dougall M^c^Uchry.

[1] The occasion of this Proclamation was as follows:—By the appointment of the last General Assembly of the Kirk, held in Holyroodhouse in November 1602, the next General Assembly should have met at Aberdeen on the last Tuesday of July 1604 (see vol. vi. p. 479, footnote). On the ground, however, that the meeting of the Assembly would be inconvenient till the negotiations for the Union of the Kingdoms were over, royal instructions had been sent from London for its prorogation to an indefinite date. Nevertheless, the Presbytery of St Andrews, regarding this prorogation of a General Assembly by mere royal authority as an infraction of Presbyterian rule, had appointed their delegates to the Assembly as usual; and these delegates,—Mr James Melville, Mr William Erskine, and Mr William Murray,—had duly appeared at Aberdeen at the appointed date, and, finding no appearance of a meeting, had protested against the irregularity before witnesses and with the utmost legal formality. This boldness of the St Andrews Presbytery and its delegates had roused the dormant Presbyterian feeling to fresh activity; and in various ordinary synods, and other and more extraordinary ecclesiastical gatherings, held in August and September, there had been much agitation of the question whether there were not now signs of an intention on the part of the King to supersede Assemblies of the Kirk altogether, and complete the subversion of the Presbyterian system by elevating the Scottish bishops into Lord-Bishops after the English fashion (see Calderwood, vi. 264–273). The present Proclamation is the King's comment from England upon this state of feeling in Scotland.

Minute Book, Sept. 1604.

Ryott: Patrik Robertsone against Thomas Lyon.

Ryott: Thomas Liddell against Alexander Davidsone.

Fol. 4, b.

Letters: Tuedie of Dreva against Lord Maxwell for exhibiting of Armstrang befor the Counsell.

Petitione: Johnne Melvill against the counsell of Perth for payment to him of ane certane soume for unbowelling the corpes of the tratour Gourie.

Letters: the Captan of the Guard against the magistrattis of Forfar for wrongous taking of Hary Fall, ane egiptian, off his hand.

Rebellione: Elizabeth Muir against William Creichtoun.

Rebellione: Thomas Findlasone against Patrik Mauld.

Suspensione: David Ramsay against Johnne Stirk.

Ryott: Paull Hamiltoun against Montgomrie of Skelmurly.

Oppressione: Hoom of Polwart against Hoome of Wedderborn.

Wrongous imprisonment: James Ramsey against William Hay.

Rebellione: Mr Robert Gardin against William Rynd.

Rebellion: David Somervale against Hew Somervale.

Rebellion: William Umphrey against Sir James Creichtoun.

Suspensione: Johne Oliphant against Johne Graham.

Rebellion: Patrik Boyd against Andro Moncur.

Letters against Sir Duncan Campbell to hear and sie a licence granted to him for departing furth of the cuntrey declared null.

Proces: the magistrattis of Dundie against William Rollok and utheris for ane unlaufull electione.

Rebellione: James Douglas against William Ruthven.

Rebellione: Samuell Blakborn against the Lord Lindores.

Rebellione: Margret Crawmond against James Arrott.

Rebellione: Mr Thomas Wilsone against Daniell Auchumouty.

Rebellione: Robert Abercromby against Robert Alexander.

Suspension [of] lawburrows: David Lyon against Patrik Robertson.

Suspension [of] lawburrows: David Airthour against Johne Daes.

Ryott: Robert Jack against Johne Halliburtoun.

Petitione: burgh of Edinburgh anent the electione of thair magistrattis.

Act ordaining the daughters of Graham of Knokdolean, whose waird of mariage and landes fell, to be delyvered to the Maister of Montrosse, and be him to be exhibit befor the Counsell.

Haddington MS. Excerpts, Fol. 332, b.

The Lord of Newbottle nominat to supplie the Chancelars absence. 9th Oct. 160 . Vice-chancelar.

William Balfour in Santandrois acceptit the place of Commissioner of the Kirk for his Majestie during Lourestons absence.[1] Commissioner of the Kirk.

[1] The reason for these two nominations,—of Lord Newbattle to act as interim chancellor instead of the Earl of Montrose, and of Mr William Balfour to act as interim commissioner for the Kirk instead of Sir Alexander Straton of Lauriston,—was that the Earl and Straton, with all the other commissioners of the Scottish Parliament for the great business of the Union (see the list *ante*, p. 5, footnote), had been called to London peremptorily by the King to meet the commissioners of the English Parliament for the same great business (see a list of them in Spotswood, p. 480) on the 20th of October. They were to be absent for some months.

Mr Robert Howie wairdit.

Chairge aganis Maister Robert Howie to enter in wairde in Santandrois and nawayes to depairt furth of the realme, and dischairge to all skippars to transport him. Haddington MS. Excerpts.

Counsall not juges to excommunication.

Patrik Abercrumbie contrair Presbitrie of Lithgow:—In the mater remittit of before be the Counsall to the said presbitrie for tryell of the sclander anent the said Patrikis hearing of mess, resetting of Mr Johne Hamiltoun and Jesuites, the said Patrik being urgit to purge himself before the presbitrie be this aith—"that, as he wald ansuar to God and his sone Jesus Chryst in that great day of his compeirence, that he wes innocent," for not geving whairof he wes excommunicat be thame. He seiking the said sentence to be suspendit, the parties compeirand, the Lords fand thameselfis not juges.

23rd Oct. 1604. Erle Cassillis contrar Clerkingtoun.

The Laird of Clerkington contrair Erle of Cassillis:—Persute at Clerkingtonis instance aganis the Erll for violent takking and deteaning the place of Lethington, perteaning to Clerkington in tak.

1st Nov. 1604. Erle Cassils wairdit for preissing to tak his wyfe in presens of the Counsall.

Chairge aganis the Erle of Cassillis to enter in wairde in the Blaknes for preissing, in presens of the Counsall, to have violentlie tane his wyfe furth of the counsalhous.

15th Nov. 1604. Cavens wairdit whill he enter the Airmestrangs that invaded the Gairde.

Lieutenant of the Gairde contrair Armestrangis and uthers for thair convocation and rebellious invasion of him and his cumpanye.—The defendars, not compeirand, wer ordanit to be denuncit; and Harbert Maxwell of Cavens, as bailyie to the Lord Maxwell, wha in his Majesteis absence hes the commandement of the inhabitants of the saids bounds, being callit to enter and present thame, and he compeirand and grantand that he wes bailyie, wes chairgit to enter in warde in the Blaknes ay [and] whill he enterit the saidis rebells before the Counsall.

Proclamation anent his Majesties new style and titill of King of Great Britane.

"The quhilk day the Act and proclamatioun underwrittin, signed be the Kinges most excellent Magestie and send hame to be publisched in this kingdome, being presentit befoir the Lordis of Secreit Counsall, the saidis Lordis ordanis the same to be insert and registrat in the buikis of Secreit Counsall, and to haive the force and strenth of ane Act of Counsall in all tyme cuming: of the quhilk tennour followis:—JAMES R.: Quhearas it haith pleised the gratious providence of the Moist Heiche in this thryse happie fulnes of tyme to juyoyne and unite in our royall persone the twa most ancient and famous kingdomes of Scotland and England in unitie of allegeance according to our undouttit richt (thairby accompleishing that quhilk the situatioun and boundis of nature, the similitud of persounes, ydentie of language, conformitie of maners, consent in religioun, and all uther most strait bondis and perfyte unitie had of lang tyme foirtaikned), we think it everie way repugnant to that decent ordour and prudent policie quhairby hitherto, by Godis hevintlie assistance, we haive mainteynit and incressed our estaite, that it quhilk by God and natures frame wes maid ane (and now, to the greit joy of sa Fol. 333, a.

Haddington MS. Excerpts.

mony hartis, united in our persone in ane unvincible monarchie, is one), sould any langer reteine the memorie of those distracted dominounes, quhairby outher past emulatioun may be renewed or opurtunitie left to future disturbance. And, seing nothing is able to procure our better service at hame, and greitter terrour to any ennemeis abrod, then to strenthen the unitie of our monarchie, not onlie continewing it as it is one in effect, bot ewin by assuming that one ancient maner quhilk in all ages by the pennis of the learned haith maid this greittest Iland of the warld most famous: we have resolved, out of our princlie caire for the perpetuall continewance of this moist happie unioun, that, as our imperiall monarchie of thease two greit kingdomes doethe comprehend the hole Island with the dependences and pertinentis of the same, so it sall keip in all ensewing ages the united denominatioun of the invincible monarchie of Greit Britane: and thairfore, by the force of our royal prerogative, we assume to ourselfis the style and tytill of King of Greit Britane, France, and Irreland, Defender of the Faith, as our just and lauchfull style, to be used in all proclamationis, misseives, treateis, leagues, dedicatiouns, impressiouns, and all cases of the lyke nature, in tyme cuming, dischairging and discontinewing the severall names of Scotland and England to be expressit in our tytillis, except in legal proceidingis, instrumentis, or assurances of particular parteis, quhilk by the said alteratioun may be prejudgit, till farder ordour be taine in that behalfe."[1]

15th Nov. Skelmurlie.

The Laird of Skelmurlie contrair Paull Hamiltoun and uthers:—The Laird of Skelmurlie came in my Lord Hamiltouns will; wha, at desyre of the Counsall, acceptit him in favour.

Baith pairties deceined to have committed ane ryot and wairdit.

The Thesaurar and Advocat contrair inhabitantis of Montrois:—Decreit finding that baith the Laird of Usan and Mr Arthour Erskin had committit ane ryot and convocation, &c.; and thairfore ordanit baith the pairties to be wairdit.

Whitehall, 15th Nov. Anent the cunyie.

Act anent the conformities, [in] name, wecht, valew, print, and pryce, of the gold and silver of Scotland and Ingland.

29th Nov. Ane day assigned to the Advocat to insist, qwhilk gif he keip not na letters to be granted to him thairefter aganis the pairtie.

The Lordis of Secret Counsall continewis the actioun and caus intentit and persewit befoir thame at the instance of Sir Thomas Hammiltoun of Monkland, knicht, advocat to our Soverane Lord, againes Alexander Gordoun of Lesmore, his sones and servandis, tuiching certane pointis of oppressioun committit be thame upon dyvers of our Soverane Lordis guid subjects, at lenthe specifeit and contenit in the letters of compeirance raised thairupoun, beiring dait at Perthe the 24 day of September 1604, in the same forme and effect as it is presentlie, unto the first Thursday of Aprile nix to cum; at the quhilk day gif the said persewar insist not in

[1] "This same in both Kingdomes took ill" says Spotswood, in noticing the reception of this bold proposal of the King, by his own mere prerogative, to abolish the names *Scotland* and *England* for the future in all general documents, and compel the substitution or resuscitation of the name GREAT BRITAIN for the whole united island.

the persute of their actioun, the saidis Lords ordaines that na proces salbe grantit to him nor his informer upon this complaint before the Counsall heirefter. Haddington MS. Excerpts.

[The following heads or titles of Acts and Decrees are taken from the *Minute Book*, where they are entered collectively under date November 1604, no particular date being prefixed to any of the entries.]

Nov. 1604. Letters of denunciation: Paull Hamiltoun against Montgomrie of Skelmurlie. Minute Book, Fol. 5, a.

Declaratione for Wishart of Pittaro.

Suspensione: Mr Alexander Douglas against Alexander Innes.

Suspension: Mongo M^cCall against Oliver Sinclar.

Letters to cite severall of the tenentis and dependaris of the Earll of Mortoun and Maxwell, disturberis of the peace in the Bordours and who deserted the Guard.

Act establishing the pryce of gold and silver, and coyne thereof to passe at the same rate both in England and Scotland.

Ryot: Johne Barbour against David and Robert Edmesones.

Act whereby his Majestie assumeth the title of King of Great Britan.

Rebellione: Mr William Shaw against Sir Andro Ker.

Oppressione: Lindsay of Edzell against Angus M^cEan Dowy.

Rebellione: Johne Kinloch against James Rosse.

Warrand to renew assurances betuixt Lord Maxwell and Johnstoun of Dunskellie.

Commissione to the Shereff of Forfar to putt Johne Herring and uther theives to a tryeall.

Precognitione against Robert Lichtoun, Mr Arthour Erskein, and uthers in Montrosse.

Rebellion: Elysabeth and Jonet Robertsones against Bessie Abernethy.

Act assigneing to the Marquis of Huntly ane certane terme betuixt and which to persew Allan M^cConneill for oppressione.

Suspensione: Earle of Cassillis against Johne Cokburn, with severall uther actis against Cassillis.

Rebellion: Earle Linlithgow against Hoom of Wedderborn.

Warrand to cite William Douglas to exhibit Johne Cunynghame

Precognitione against Hectour Turnbull and Helen Grimislaw.

Rebellione: Sir James Lundy against William Ruthven.

Suspensione: Mr James Fothringham against Gilbert Ogilvie.

Oppressione: Hectour Turnbull against Will Ellott and utheris. Fol. 5, b.

Rebellion: Sir Alexander Hamilton against Jasper Hoom.

Ryott: David Flint against Johne Trotter, *et e contra*.

Suspensione: Andro Yett and uthers against Walter Wood and uthers.

Letters: William Taitt against David Taitt for making up a false suspensione.

Oppression: Edward Ker against Robert Johnstoun.

Minute Book.

Oppression: Robert Fairley against Elizabeth Dundasse.

Rebellion: Robert Trotter against Margaret Douglas.

Oppressione: William M°Condochie against Angus M°Phaill and uther sorneing theives.

Rebellion: Robert Trotter against Patrick Chirnsyd.

Act: Mr William Hay for appearance of Harbret Maxwell.

Haddington MS. Excerpts, Fol. 333, b.

13th Dec 1604. Proclamation to assist Sir William Cranston [depute to Lord Home in his lieutenancy].

"Forsamekill as, Sir Williame Cranstoun, appeirand of that Ilk, being returnit frome his Majestie withe new directiounes and instructiounes to proceid in the dischairge of the office of lieutennendrie, quhairof he, as deput to the Lord Home, principall officer, hes the burdeine and chairge, necessar it is for the better executioun of that commissioun and service that he be assisted at all tymes be the barrones, gentilmen, and utheris his Majesteis gud subjectis within the bounds of his office, as alsua, for the better intertynning of peace and quyetnes within the saidis bounds, it is verie expedient and necessar that sik persounes betuixt quhome thair is feid and querrell sall subscryve assurances according as they salbe directit and commandit be the said Sir Williame; thairfoir ordaines letters to be directit to command and chairge all our Soverane Lordis leigis and subjectis within the bounds of the said lieutennendrie to ryse, concur, fortifie, and assist the said Sir William in all thingis concerning the dischairge of that service, and to conveine and meitt withe him at sic tymes and placeis as they salbe adverteisit be his misseives-letters, or utherwayes, as they will answer to the saidis Lordis upoun thair obediance at thair hiest perrell; as alsua chairging sik persones as salbe gevin in bill be the said Sir William to subscryve ilkane of thame to uthers sik forme of assurance as salbe presentit unto thame, markit be the said Sir William, within thrie dayes nixt efter the chairge, under the pain of rebellioun."

27th Dec. 1604. Base money of Ireland dischairged.

Proclamation anent the base money of Ireland, dischairgeing the course thairof within this realme, and commanding magistratis to tak ordour that it have na passage in their bounds.

3rd Jan. 1605. Lord Maxwell to be denunced

The Lord Maxuell ordanit to be put to the horne, becaus he, being chairgit to enter and present the rebellis wha invadit the Gairde, and he compeirand and confessand thame to be his men, enterit thame not.

17th Jan. 1605. Dischairge to the presbiterie of Aberdene of proceiding agains the Marquess of Huntlie

"Forsamekle as, albeit the Lordis of Secreit Counsall, first be a misseive letter and thairefter be a chairge according to his Majesteis speciall will and directioun, causit dischairge the ministrie of the presbiterie of Abirdeine of all proceiding to excommunicatioun againes George, Marques of Huntlie, and deame Henrete Stewart, his spous, and that now alswa his Majestie, be ane speciall article and instruction gevin to his trustie counsallour, the Laird of Loureistoun, his Majesteis commissioner, hes signefiet his Hines pleasur that na presbetrie nor synode sall proceid to the excommunicatioun of ony nobill man quhill they first acquent the commissioners of the Generall Assemblie, and that they, be his Majesteis

commissioner foirsaid, mak his Hines acquanted: Nochtwithstanding quhairof, the ministeris of the said presbitrie, forgetfull of that dewtie and obedience quhilk in this matter thai aucht to gif first to his Majestie and nixt to the saidis Lordis of his Privie Counsall, they still insist in thair censuris and proceidingis againes the said Marques and his spous, and as yit will not forbear proceiding againes thame quhill they knaw his Majesteis will and pleasure in that matter without remeid be provydit: Thairfoir ordaines letters to be direct to command and charge the ministers of the said presbitrie, yit as of befoir, to decist and ceis fra all proceiding to excommunicatioun againes the said Marques and his spous, quhill first his Majestie be his Hines commissioner foirsaid be maid acquainted and foirseine, and his Hines will and pleasur thairainent be returnit, as they will answer to his Majestie and the saids Lords upon thair obedience, and farder under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame, and thai failyie or do in the contrair, that letters salbe direct to denunce thame." Haddington MS. Excerpts.

31st Jan. 605. Lochmaben ordanit to be renderit to Sir William Cranston.

The quhilk day the Lords of Secreit Counsall, according to the Kingis Majesteis directioun and pleasure returnit to thame in writt, ordaines and commandis Sir James Johnestoun of Dunskellie, knycht, to rander and delyver the place and fortalice of Lochmaben to Sir William Cranstoun, appeirand of that Ilk, to be keipit be him for the better furtherance of his Majesteis service in the Bordouris.

7th Feb. 1605. Lady Newby.

Lady Newbie contrair Laird of Johneston. Fol. 334, a.

14th Feb. 1605. Na effect sall follow upon the presbiteries excommunication of the Marqueis of Huntlie.

The Marqueis of Huntlie contrair presbiterie of Aberdene. Anent the supplication, etc.: The Lordis of Secret Counsall declairs and ordains that, in caice the ministers of the saidis presbetreis sall on nawayes [anywayes?] proceid to excommunicatioun againes the said Marques and his said spous, contrair the ordinance and directioun foirsaid of the saidis Lords, that then and in that caice na farder executioun sall follow thairupoun be horning or utherwayes, bot that the said Marques and his said spous, freindis and servandis, and uthers his Majesteis subjectis, may resset, confer, and intercommoun with thaime nochtwithstanding of the said pretendit excommunicatioun, in caice ony sal happin to be usit aganis thame; dischairging lykwayes all clerks and wrytters to the signett of all pasing of ony letters of horning upon the said pretendit excommunicatioun, as they will answer to the saidis Lords upoun thair obediance.

Chairge forbidding the presbiterie to proceid aganis Huntlie under the payne of horning.

Chairge aganis the presbiteries of Aberden and Murray:—Forsamekill as the King's Majestie be ane speciall article, etc., thairfore the Lords of Secret Counsall ordaris letters to be direct chairging the ministers of the said provinciall of Aberdeine and Murray to decist and ceis fra all geving, using, or pronuncing of the sentence of excommunicatioun aganis the said Marques and his said spous, quhill first thai, be his Hines commissioner foirsaid, mak his Majestie acquantit thairwith, under the paine of

Haddington. MS. Excerpts. rebellioun and putting of thame to the horne, and, gif thai or ony of thame failyie or do in the contrare, to denunce the disobbeyaris rebellis and put thame to the horne.[1]

[The following heads are entered collectively in the *Minute Book* under date February 1605, no particular date being prefixed to any of the entries:—]

Minute Book, Fol. 5, b. Band of cautionerie: Maister of Forbes for Johne Forbes, that he shall not fish in the water of Dey. Feb. 1605.

Band of lawburrows: Williame Hendersone for Andro Imbrie to James Elphingstoun.

Band of lawburrows: Johne Hay for Susanna Hay to Hew and David Gibsones.

Band of cautionery: George Shaw for George Crawfurd, that he shall not intercommon with Patrik Harvy.

Band of cautionerie: Johne Gordon for Sir Robert Gordon, that he shall not intercommon with M^{c}Clellan.

Band of lawburrows: James Murdoch for Patrik Murdoch to James Currour.

Band of lawburrows: David Lindsey for Walter Wood to Robert Mill.

Rebellione: William Bennett against Hendry Balfour.

Oppressione: Elizabeth Stewart against Johnstoun of Dunskellie.

Deforcment: Livtenent of the Guard against William and James Johnstones.

Rebellione: James Jardin against David Rossie.

Protestatione: Neill Montgomrie against Johne Peiblis.

Rebellione: William Lyon against Alexander Guthrie.

Act ordaining Hendry Nisbit, &c., to delyver the moneyes contributed for supply of the churche of Geneva to Hans Bovan.

Fol. 6, a. Rebellione: Johne Inglis against Robert Chancellar.

Oppressione: George Cokburn against George Maltman.

Rebellione: Johne Logan against Gilbert Congiltoun.

Rebellion: Patrik Moscrop against Issobell Congiltoun.

Rebellion: Johne Kinloch against James Douglas.

Suspension of lawburrows: James Lithgow against Mr Johne Tueidy.

Rebellion: David Aikenheid against Johne Dumbar.

Rebellion: Robert Logan against Thomas Fortoun.

Suspension: David Maxwell against the Advocat.

Act for keiping of Lent.

Act ordaining Robert Lichtoun and others, raisers of the tumult in Montrose, to be fyned.

Complaint of wrongous excomunication: Marquis of Huntly against the presbetrie of Aberdene.

[1] In connexion with these two entries and that of 17th Jan. preceding, respecting the difficulties between the Marquis of Huntly and the northern clergy, see a paragraph in Calderwood, vi. 274.

Feb. 1605. Rebellione: Moses Wallace against Johne Kennedy. Minute Book.
Rebellione: James M^cMath against Kathrin Crawfurd.
Act of admissione of Sir James Scringeour to be a Counsellour.
Proces: Johne Wricht against George Buchanan for denuncing the persewer rebell without warrand.
Rebellione: Mr Thomas Abercrombie against Countes of Bothwell.
Rebellion: George Kirkwood against Laurance Wardlaw.
Oppressione: Sir Johne Ker against Robert Berop.
Rebellion: Thomas Patersone against William Ruthven.
Rebellion: William Cunyngham against Patrik Harvy.
Oppressione: Sir David Lindsey against Allaster M^cRorie, &c.
Rebellione: Walter Carmichaell against the Lord Somervale.
Oppressione: William M^cAdam against Johne Kennedie.
Rebellione: Sir William Stewart against Walter Turnbull.
Rebellione: Andro Wood against Gavin Weymes.
Precognitione against Admestoun of that Ilk and Prestoun of Craigmiller.
Rebellione: Jonet Kennedy against Hew Kennedy.
Rebellion: Robert Durie against Sir James Scott.
Suspensione: Mr James Hamiltoun against the presbetrie of Hamiltoun.
Rebellion: Uthrie M^cDowell against Johne M^cGowne.

Edinburgh, 5th March. *Sederunt*—Montrois, Commissioner; Dunfermling, Cancellarius; Angus; Errole; Mortoun; Athoill; Lynlythqu; Glammis; Neubottle; Spynie; Lowdoun; Abircorne; Secretarius; Scone; Master of Elphinstoun; Bishop of Sanctandrois; Haliruidhous; Privy Seal; Collector; Advocate; Constable of Dundee; Kilsyth; Quhittinghame; Fostersait. Sederunts, Fol. 39, b.

[No record of proceedings.]

7th March 1605. *Sederunt*—Chancellor; Angus; Lynlythqu; Glammis; Elphinstoun; Newbottle; Secretary; Abircorne; Scone; Halirudhous; Advocate; Edzell; Privy Seal; Constable of Dundee; Lourestoun; Quhittinghame; Cranstounriddell; Kilsyth; Fostersait; Michael Elphinstoun.

[Master of Elphinstone, Councillor.] Alexander, Master of Elphinston, admitted on the Council.

9th March. Sir Johnne Arnott admitted on Council.

[Arnot admitted Councillor.] 12th March. *Sederunt*—Chancellor; Elphinstoun; Balmerinoch; Halirudhhous; Master of Elphinstoun; Quhittinghame; Edzell; Privy Seal; Justice Clerk; Advocate; Fostersait; Sir Michaell Elphinstoun.[1]

[No record of proceedings.]

[1] In the cluster of new sederunts of Council thus recorded for the beginning of March 1605, with the accompanying entries, we have the mark of a new point of departure in the history of the Council and of the Scottish Administration generally:—The Lord Chancellor Montrose and a number of the other Councillors had, as we have seen, gone to

Haddington MS. Excerpts, Fol. 334, a.

"Forsamekle as, albeit thair be dyvers actis and proclimatiounes maid againes the hurting and slaying of his Majesteis deir, nochtwithstanding it is of veritie that Alexander Moriesoun and William Haige, servitors to Mr Johnne Clepen of Ballintagart, laitlie huntit and slew ane of his Majesteis deir of his park of Falkland, and ar presentlie in warde for the same within the towne of Edinburgh; and the Lords of Secreit Counsall considdering that the ouersicht and impunitie of thir persones may gif occasioun and encouragment to uthers to commit the lyke: thairfoir the saids Lords decerns the said Alexander Muriesoun and William Haige to be baneist furthe of the haill bounds of the sherefdome of Fyfe all the dayes of thair lyves, and not to resort and repair within the said sherefdome

14th March. [Slaughter of the King's deer.] For slauchter thairof [two] men ordanit to be baneist Fyfe during thair lyfetyme, under the payne of death.

London in the preceding October, in their capacity of Scottish Commissioners for the Union, to confer with the English Commissioners (footnote, *ante*, p. 15). The conference lasted many days; and it was not till the 6th of December that the two sets of Commissioners subscribed and sealed the parchment scrolls of the Articles of Union they had agreed upon, and which were to be submitted to his Majesty and to the Parliaments of the two Kingdoms for their consideration. See a copy of these articles,—chiefly relating to reciprocity of trading privileges and interests between the two nations,—in Spotswood, pp. 481–486. It appears that in the course of the conferences the most active part on the Scottish side was taken by Lord President Fyvie, whose lawyerly skill and experience, not to say his ability generally, made him far fitter for such work than his nominal superior the Lord Chancellor. Hence the opportunity was taken for a shifting of offices which had been already for some time in contemplation. Montrose was persuaded to resign his Chancellorship, and to accept the empty, though nominally higher, dignity of Commissionership or Deputyship for his Majesty in Scotland for life; and the Chancellorship, thus vacant, was bestowed on Fyvie. This necessitated the resignation by Fyvie of that judicial honour, the Presidency of the Court of Session, which he had held since 1593; in which office, accordingly, he was succeeded by his fellow-councillor, James Elphinstone, now Lord Balmerino, hitherto Secretary of State, but henceforth to hold the Secretaryship in conjunction with the Presidency of the Session. When, therefore, in the end of February or beginning of March 1605, the many Scottish noblemen, councillors, and lawyers, who had been absent in London, engaged for five months there in the business of the Union, reappeared in Edinburgh, they brought back with them a changed administration. Lord Fyvie, in particular, who had won golden opinions by his conduct of the Union business, re-entered Edinburgh a far greater man in Scotland than he had been before. He was "convoyed" into the town by a procession of persons of all ranks: "no subject," says Calderwood (vi. 275), "was seene before to come accompanied to Edinburgh after the maner." This was on the last day of February 1605; and, four days later,—viz., March 4, 1685,—he ceased to be Lord Fyvie merely, by being made Earl of Dunfermline. From this date, accordingly, the original Alexander Seton, who has been known to us heretofore under such a perplexing succession of titles,—first as Alexander Seton, Prior of Pluscarden, then as Alexander Seton, Lord Urquhart, and next as Alexander Seton, Lord Fyvie,—takes his place in Scottish history as Alexander Seton, Earl of Dunfermline, Lord High Chancellor He, and no longer Montrose, is the "Cancellarius" or "Chancellor" of our present cluster of sederunts and of the sederunts that follow,—Montrose, when he does appear, still taking precedence of him, it is true, but distinguished now by his honorary title of "Commissioner." Lord Newbattle, who had been interim Chairman of the Council for the last five months during the Chancellor's absence (*ante*, p. 15, footnote), now resumes, of course, his more ordinary place at the Council Board. Secretary Balmerino, when officially named in a sederunt henceforward, may appear indifferently as "Secretary" or as "President."—Not only is Lord Fyvie henceforth Earl of Dunfermline, but two others of the Council and Ministry appear henceforth with new peerage titles. Sir David Murray of Gospertie, hitherto "Comptroller" and more recently "Captain of the new King's Guard" (see vols. v. and vi. by Indexes), had been raised to the peerage as Lord Scone, had gone with that title to England as one of the Commissioners for the Union (footnote, p. 5, *ante*), and figures henceforth in the sederunts as "Scone." The person hitherto known to us as Sir George Home of Spott, and as "Trea-

heirefter, under the paine of deid, to be execut upoun thame without favour; and ordaines and commands the bailleis of Edinburgh to caus thair lokman tak the said Alexander Muriesoun and William Haige to the mercat croce of thair burghe, and to festin thame thair for two or thrie houris, and to sett upoun thair foireheids ane peice of cleine peper, and to cause wrytt thairin in greit letters FOR SLAYING OF THE KINGES DEIR,—and thairefter that the lokman tak thame fra the croce and convoy theme to the Natherbow, and, at the accustomit pairtis of the toun quhair the lokman usis to publeische ony thing that is gevin to him in directioun, that he publeis and proclaime the saidis Alexander Muiriesoun and William Haige to be baneist the hail bounds of the sherefdome of Fyffe during all the dayes of thair lyftymes, under the paine of deid, and that for slaying of the kinges deir,—and syne that he lat thame go quhair they pleis." Haddington MS. Excerpts.

st March. *Sederunt*—Commissioner; Chancellor; President; Abircorne; Spynie; Dunkeld; Halirudhous; Privy Seal; Constable of Dundee; Collector; Sir Johnne Arnott. Sederunts, Fol. 39, b.

Newbie: the place to be keiped be the Gairde and Maxuels and Johnestons dischairged to resort to it or mell with the cornis, or lawbour the ground.

"Forsamekle as the Lords of Secreit Counsall ar surlie informed that Thomas Jerden, younger of Birnok, Maxuell, brother to the Laird of Conhaith, , of the speciall command and directioun of William Maxuell, brother to Johne, Lord Hereis, hes laitlie, upon the day of Marche instant, surprysit and taine the plaice and fortalice of Newbie, and hes outher slaine or hurt to the perrell of his lyfe Eduart Haddington MS. Excerpts, Fol. 334, a.

surer" since September 1601 (see vol. vi. by Indexes), had also received promotion. Having accompanied the King to England, he had been created an English peer, by the title of Baron Home of Berwick, in July 1604; and on the 3rd of March 1605 he was made Earl of Dunbar in the Scottish peerage, —under which title he is a very important personage in Scottish History through the rest of his life, generally in England with the King as the resident Scottish minister, but coming and going a good deal between England and Scotland.—Other Scottish peerages dating from about our present point of time have already been mentioned in the footnote at p. 3; and to these may be added, as of date March 5, 1605, the promotion of James, Lord Drummond, to the Earldom of Perth.—Note the entry at p. 6 recording the substitution of Mr James Skene for his father, the celebrated Sir John Skene of Curriehill, in the office of "Clerk Register," and the admission of the said Mr James Skene to the Council in virtue of his new office, July 26, 1604. The transaction does not seem to have taken full effect; for Sir John Skene is found retaining his office of Clerk Register to as late as 1612.—Six Councillors are quite new to us in that capacity in the present cluster of sederunts. To the two members of the Elphinstone family already in the Council (viz., Alexander, now Lord Elphinstone, formerly Master of Elphinstone and Lord Treasurer, and his brother, Secretary and President James Elphinstone, now Lord Balmerino) there were added, it seems, two sons of the former and nephews of the latter, —Alexander, now Master of Elphinstone, and his younger brother, Sir Michael Elphinstone. A third new Councillor was Alexander Hay, a judge of the Court of Session since Feb. 1604, with the courtesy title of Lord Fosterseat; a fourth was Sir James Scrymgeour of Dudhope, Constable of Dundee; a fifth was the Sir Alexander Straton of Lauriston, already mentioned as King's Commissioner for the Kirk (*ante*, p. 15 and p. 19; and the sixth was Sir John Arnott of Berwick. The six made a considerable reinforcement of the new Council at the beginning of the new Chancellorship of the Earl of Dumfermline.

Haddington MS. Excerpts.

Johnestoun, brother to umquhile Johne Johnestoun of Newbie; and the saidis Lordis understanding that farder troubill and inconvenientis ar lyke to fall oute betuixt the said William Maxuell, his kyn and freinds, on the ane pairt, and Robert Johnestoun, uncle to the said Johne Johnestoun of Newbie, his kin and freinds, on the uther pairt, anent the rycht and tytill acclamed be aither of thame to the said plaice and leving of Newbie: thairfoir, and for preventing of the saids trubillis, the saidis Lords hes appointit Robert Hepburne, Lieutennent of the Guarde, to ressave the said plaice, and to keep the same quhill farder ordour and directioun be gevin thairanent. And, for this effect, ordaines letters to be direct chairging

Fol. 334, b.

the personis particularlie abovewrittin, havares and deteinaris of the said place, and all utheris haifars, keipars, and deteinars of the same, to rander and deliver the samin to the said Lieutennent of the Guarde, and to sik uthers of the Guarde as salbe directit to ressave the same, and that they remove thameselfis and thair servandis furth thairof within sex houris nixt efter the chairge, under the paine of tressoun,—with certificatioun to thame, and they failyie, they sall not onlie be declairit fugiteives and rebellis, and sall accordinglie be persewit with fyre and sword, bot the proces and dome of foirfaltour salbe led and deduced againes thame. And, in caise the said hous be refuissit to be randerit, the saidis Lords geives power and commissioun to the said Lieutennent of the Guarde, and to sic of his cumpanie as salbe directed to attend upon him, to convocat his Hines leiges in airmes, and to asseige the said house, and use all kynd of force, hostilitie, and weirlyke ingyne that can be had for wyning and recoverie of the same,—dispensing with quhatsoevir inconvenientis sall fall out in the executioun of that commissioun. And, for the better asseiging of the said hous, and that the said lieutennent maye be the mair able to recover the same, ordaines letters to be direct chairging the Lairdis of Drumlangrig, Amisfeild, Lage, Apilgirthe, Holmendis, to ryse, concur, fortifie, and assist the said Lieutennent and his cumpanie in the persute and asseiging of the said hous, as they and everie ane of thame will ansuer on thair obedience at thair heichest perrell. And, becaus thair is greit appeirance of trubill and inconvenientis lyk to fall out betuix the said pairteis for the richtes of the saidis landis and leving, the saids Lords hes thocht meit that not onlie the saids pairteis, bot all thair kin, friends, and assistaris in that actioun, sall forbeir to resorte or repair to the said plaice of Newbie or lands of the same, or to mell thairwithe, labour or manure the same, bot that thai suffer the tennentis and lauboraris of the grund to manur the saids lands, quhill farder ordour and directioun be gevin thairanent. Thairfoir ordaines letters to be direct to command, chairge, and inhibit bayth the saidis pairteis, as alswa thair kyn and freindis of the names of Maxwell and Johnestoun, that thai nor nane of thame presume nor tak upoun hand to resorte or repair towardis the saidis lands or place of Newbie, bot that they suffer the tennentis and lauborars of the grund peciabillie to labour and manure the same, under the paine of rebellioun."

Twedie contrar Mr Daniell Wilkie: Narrest of kin, being nomenat tutour, sould not have the keiping of the bairne.

In ane action persewit be Johne Twedie, as tutour to Johne Twedie, his brotheris sone, aganis Mr Daniell Wilkie, for delyverie to him of the said pupill, Mr Thomas Henderson, compeirand as kinsman on the mothers syde to the said minor, alledgit that the persewar wes not onlie narrest of kin to the minor and his appeirand aire, bot also nominat successour to him in the said testament. Thairfore the Lords fand him suspect to haive the keiping of the said bairne, but prejudice of the tutorie in all uther things. Haddington MS. Excerpts.

Fynning and puneisment for cartelling and invasion.

Ninian Meikgilhaigie having send ane cartell to Andro Bell, [and] thairefter the said Niniane, and Johne, his brother, having umbeset the said Androis way and woundit him, upon probation tane, the Lords ordanit the saids Ninian and Johne to be committit to wairde whill thay were fynnit and puneissit in thair persons.

[Tumult in Montrose.]

Maister Arthour Erskin and his complices fynnit in fyve hundreth merks for thair tumult in Montrois.

20s. daylie modifiet to ilk ane of the Gairde that keipis ane rebels hous, to be payed upon the rebels expensis.

"Anent the supplicatioun presentit to the Lords of Secret Counsall be David, Lord of Scone, and Capitane of his Hines Guarde, makand mentioun that quhair, sindrie of his cumpanie being directit in the execution of the saids Lords directiounes and commissiounes, they ar oftymes constranit to remaine within the duelling places of the rebellis againes quhom sik commissiounes ar grantit upon thair awin chairges and expenssis, it being a matter altogidder werie hurtfull and prejudiciall to thame, and the waiges allowit to thame ar so meane that the same will not defray thair charges and expenssis during thair remaning at sik plaicces: humlie desyring thairfoir that he mycht haive ane act of Counsall past and exped in manner and to the effect following:—lyk as at mair lenthe is contenit in the supplicatioun. Quhilk being red, hard and considderit be the Lords of Secreit Counsall, and they ryplie advisit thairwithe, the Lords of Secreit Counsall modefeis the sowme of xxs. money to be payit to everi ane of the Guarde daylie sa lang as thai remaine in ony rebellis housis, and that upon the expenssis of the rebell." Fol. 335, a.

24th March 1605. Lord Maxwell and [Sir James] Johneston commandit to desist from convocation and not to cum neir Newbie be aucht myles.

"Forsamekle as the Lords of Secreit Counsall are informed that Johne, Lord Maxwell, hes of lait addressit himself with his houshald and ane number of his freindis to the Castell of Carleverok, and that Sir James Johnestoun of Dunskellie, knicht, accumpaneit with a number of his freindis, hes repairit and presentlie remanis in the place of or sum uther plaice or pairt ewest to the Castell of Newbie, of plaine purpois and intentioun aither of thame to attempt sum disperat course and interpryse upon occasioun of the lait suppres of the Castell of Newbie, quhairthrow farder inconvenientis ar lyk to fall oute, to the brek of the peice of the cuntrie, without remeid be provydit: Thairfoir the Lords of Secreit Counsall ordaines letters to be direct chairging the said Lord Maxwell and Laird of Johnestoun to reteir thame, with thair houshaldis and freinds attending upon thame, to the plaices following—viz., the said Lord Maxwell to the toun of Drumfreis, and the Laird of Johnestoune to his

Haddington MS. Excerpts.

plaice of Lochwod—within sex houris nixt efter the chairge, under the paine of rebellioun and putting of thame to the horne; and, gif they or ony of thame failyie or do in the contrair, the said space being bypast, to denunce thame rebells. As alsua that the said Lord Maxwell repair nocht againe to the said plaice of Carlevernok nor to no uther pairt within the space of aucht myllis to the plaice of Newbie, and that the said Laird of Johnestoun repair not to the said plaice of nor na uther pairt nor plaice within the spaice of aucht myllis to the said plaice of Newbie, without licence of the Counsall, under the paine of fyve thousand merkis to be incurrit be the pairtie contraveinar; with certificatioun to thame, for outher of thame that failyeis, that they salbe decernit to haive incurrit and to incur the said paine, and letters and executorialis salbe direct againes thame for peyment thairof to his Majesteis thesaurer and his deputis in his Hines name in forme as effeirs."

Skene Abridgment.

Sederunt—John, Earl of Montrose, Commissioner; Alexander, Earl of Dumfermling, Lord High Chancellor; Archibald, Earl of Argyle; James, Lord Abercorne; Mark, Lord Newbottle; Peter, Bishop of Dunkeld; John, Commendator of Halyroodhous; Sir Thomas Hamilton of Monkland, knight, Advocate; Sir Richard Cockburne of Clerkingtoun, Lord Privy Seal; Mr John Prestoun of Fentounbarns, Collector;[1] Sir John Skein of Curryhill; Mr David M^cGill of Cranstounriddell; John Arnot, Treasurer Depute.[2] Edinburgh, 28th March.

Haddington MS. Excerpts. Fol. 335, a.

"Forsamekill as it haithe pleased God to amplifie and extend the Kinges most excellent Majesteis dominioums ouer all Greit Britane, France, and Ireland, necessar it is that, conforme thairto, his Hines seallis, boith greit and privie and the signed, be reformit, and thairfoir the Lords of Secreit Counsall, following his Majesteis directioun in this matter, ordaines and commands Thomas Foulis, sinkar of his Majesteis irones, to mak ane new greit seale, prevey seale, and signett in sic forme, maner and proportioun as he salbe directed be Alexander, Erle of Dunfermelling, lord heich chanceller of Scotland, and be Johne Arnot, thesaurer deput: quhairanent the extract of thir presentis salbe unto the said Thomas ane sufficient warrand." Warrand to mak new seillis.

"Forsamekill as, at the last sessioun of the Parlement haldin at Perth in the moneth of Julii last, the Estaites then convenit declairit the said Parliament to be current and to be of new proclamit upon xx dayes wairning, and now it hes pleased the Kingis most excellent Majestie, for certane greit and wechtie effaires tending to the commoun weill and Continewation of the Parlement.

[1] The Collector does not appear in the corresponding list of this sederunt of Council recorded in the *Book of Sederunts* (Fol. 39, b).

[2] Note that Sir John Arnott, already mentioned as a new Councillor (*ante*, p. 22 and p. 24, footnote), now appears with the ministerial designation of "Treasurer-Depute." The frequent absence in England of the Treasurer-in-chief, now Earl of Dunbar, doubtless increased the importance of his resident Deputy in the office.

benefite of this realme, and for a perfyte confirmatioun and approbatioun of the particular heidis and articles past in the Conference and Treatie of the Unioun, to ordaine his Hines Parliament to be haldin in this King- Fol. 335, b. dome with all convenient expeditioun: lyke as the Lordis of his Hines Secreit Counsall, following his Majesteis directioun in that point, hes appointit and appointis the said Parliament to be haldin, God willing, at Edinburgh upon the sevine day of Junii nix to cum, and thairfoir ordaines letters to be direct to mak publicatioun heirof be oppin proclamation at all plaices neidfull, quhairthrow nane pretend ignorance of the same, and to command and chairge all and sindrie duikis, marquessis, erllis, lordis, prelats, commissioners for the barons and borrows, and all uthers the Estaits of this Kingdome haifing vote in the said Parliament, to compeir and be present thairat the day forsaid, with certificatioun to thame that beis absent that thai salbe unlawit in the ordinar and accustomed paines and the same unlaws upliftit of thame without favour." Haddington MS. Excerpts.

Commission for trying of the assay box and for makeing ane box of the cunyie.

"The Lords of Secret Councill gevis and grants full power and commission to Alexander, Erle of Dumfermling, lord high chancellour of Scotland, James, Lord of Balmirrinoch, lord president of the councill and session, Mark, Lord of Newbotle, James, Lord of Abircorne, David, Lord of Scoon, comptroller, John, Commendator of Halyrudhous, Sir Richard Cockburne of Clerkingtoun, lord privy seal, Sir John Cockburne of Ormistoun, knycht, justice clerk, Sir Thomas Hamilton of Monkland, knycht, advocat, Mr John Prestoun of Fentounbarns, collector, Mr John Skein, clerk of register, John Arnot, thesaurer depute, and Sir Archibald Naper of Edinbellie, knycht, or ony 5 of them, the said Lord Chancellor being alwyse ane, to convein and meitt in his Majesteis cunyie hous within the burgh of Edinburgh at sic dayes and tymes as thai sall think meitt and expedient, and thair to cause oppen the assaye box of the lait gold of vi lib. and 3 lib. peices, and of the merk peices, half merk peices, 40d. and 20d. peices of silver, and to try the assayes of the said gold and silver gif the same ansueres in fynnes as the acts and ordinances of the Estaits made anent the same cunyie, and passes not beneth the graynis of remeid prescryvit in the same acts; as alswa to try the standart peice of the present new cunyie, gold and silver, and gif the same correspond in fynnes to the said new cunyie, or gif it be abone or beneth the fynnes prescryvit in the act made thairanent; and to report to the saids Lords of Councill quhat thai sall find in the premissis, to the effect the saids Lords may gif thair approbation and allowance thairto accordinglie: with power alswa to the saids Commissioners or any 5 of them (the said Lord Chancellor being ane as said is) to make and set doun A, B, C of the prices of everie particular specie and peice of gold and silver, alsweile proper as forreyne, and to cause the said A, B, C be affixt on some publict and open place of the cunyie hous, to the effect all his Majesteis subjectis may understand the particular prices of the saids peices, and quhat thai sall ressave for the same in his Majesteis cunyie hous. And, for thair better informatioun in Skene Abridgment.

Acta 1605.

the premisses, with power to them to call unto them sic of the merchants and others persons of judgment and knowledge as thai sall think expedient."

Haddington MS. Excerpts. Fol. 335, b.

"Forsamekill as, the Lords of Secreit Counsall foreseing sum great trouble and inconvenientis lyke to fall owt betuix the Maxuells and Johnestouns anent the richt and tytill acclamed be William Maxwell of Gribtoun, on the ane pairt, and Robert Johnestoun, callit of Newbie, on the uther pairt, to the lands and leving of Newbie and to the toure and fortalice thairof,—quhilk wes of laite be a verie extraordiner forme surpryssit and taine be sum of the name of Maxwell fra the said Robert Johnestoun and sum bluidsched committit at that tyme, to the appeirand brek of the peice of the cuntrie,—the saidis Lordis, for eschewing of all forder trubill to fall out for that caus, and for observatioun of his Majesteis peace, guid reull, and quietnes in the cuntrie, hes ordannit that not onlie the tour and fortalice of Newbie, quhilk is now in the possessioun and keeping of sum of his Majesteis Guarde, bot alswa that the laiche houssis and bigginges about the said toure and fortalice presentlie possest be Elizabeth Stewart, relict of umquhill Johne Johnestoun of Newbie, and be Barbara Johnestoun, eldest lauchfull dochter to the said umquhill Johnne, and spous to the said William Maxwell (within the quhilkis laiche houssis the surpryssers of the said toure and fortalice wer huirdit and keipit quhill thay fand thair opertunitie to do thair turne), salbe cloisit up, the present inhabitantis removit furth thairof, and the keyis of the said toure and fortalice and laiche houssis thairof producit befoir the saidis Lordis, quhairthrow na persounes haive acces thairin quhill the saidis Lordis tak sic farder ordour in this matter as they sall think expedient for weill and quyetnes of the cuntrie: bot withe that that baithe the pairteis clamand rycht and entres to the said leving and all utheris in thair names sall decist and ceis fra all melling with the said leving, laubouring or manuring of the same, or sawing of cornnes thairupoun quhill the said ordour be taine:—Thairfoir ordaines letters to be direct chairging the said Elizabeth Stewart, Barbara Johnstoun, and all uthers haivares, keiparis, and deteinares of the saidis laiche houssis and bigginges about the said tour of Newbie, to remove thameselfis, thair gudes, geir, and familie furthe thairof, and suffer and permit the persones of his Majesteis Guard presentlie being within the said toure to close and lok the duris of the saidis laiche houssis and biginges, within xlviii houris nixt efter the chairge, under the paine of rebellioun, etc., and gif they failyie to denunce. As alsua to command, chairge, and inhibit all and sindrie his Majesteis leiges and subjectis, of quhat estait, qualitie, or degrie so evir thai be of, be oppin proclamatioun at the mercat croces of Drumfreis, Annand, and uthers plaices neidfull, that nane of thame presum nor tak upoun hand, under quhatsumevir cullour or pretence, to mell with the said tour and plaice of Newbie, laiche houssis and biginges about the same, oppin the yetis thairof, not to enter thairin, not yit that nane of the saidis pairteis clamend rycht to the saidis lands and leving, nor na uthers be thair causing and command, mell or intromet with the

Randering the housis of Newbie, &c. [for ensuring preservation of the peace between the Maxwells and the Johnstones].

saids lands and leving, labour nor manur the samin, nor saw cornnes thairupoun, or scheir the same cornnes, quhill the saidis Lordis tak ordour herein as said is, under the paine of fyve thousand merkis to be incurrit be the persone or persones quhomsoevir quha, outher derictlie be thame selfis or be thair servandis, sall mell with the saidis tour and houssis, or to quhais use and behuife the same salbe taine, or quha sall mell with the saidis lands and leving, or saw cornes thairupoun, or scheir the same, —certefeing thame that sall do in the contrair that the same paine salbe upliftit of thame to his Majesteis use without favour."[1] Haddington MS. Excerpts. Fol. 336, a.

March, 1605. Commissioun of justiciarie to the Erle of Angus.

The Lordis of Secret Counsall gave commissioun of justiciarie to the Erle of Angus and his deputis for tryell and puneisment of thift and hoching of oxin within his lordship of Douglas. Fol. 337, a.

Ane man [Alexander Cheyne] convict of oppressioun, subornation of witnessis, and perjurie, ordained to be executed to the death.

Alexander Cheyne, being summoned before the Secret Council for oppression done to ane pure man in the north, in cumming to his howse under night, straiking of his wyfe with ane rung and of himself with ane brydill, compeirand, denyed the same. And, haveing set sum witnessis, twa that wer admitted being sworne and examined, and haveing bothe denyed that thay knew onything of the mater, and thairefter, straitlie re-examined, the ane haveing confessed alsweill the treuth of the fact as that he wes seduced and suborned be the said Alexander to deny the said fact, and thairefter the uther witnes, efter great perjurie and obstinat denyall, haveing at last, efter re-examination and confrontation with the first witnes, confessed also the veritie of the libel, and that he wes suborned and seduced be Alexander Cheyne to denye the same,—the said Alexander Cheyne wes called in before the Lordis, and, being sworne and adverteised of the perrel and willed to declare the veritie, denyed alsweill the libel as the subornation of the witnessis, consenting to be hanged gif it wer fund utherwayes. And then, the witnessis being brocht in and confronted with him, avowand baith the libel to be trew and that he seduced thame to deny it, he wes forced to confes, and, being tane that night to prison to the toubuith, wes ordaned to be put to ane assyse upon the morne with his complices. And, being convict, the witnes that first confessed wes scourged and beneissed, and Alexander Cheyne and the uther witnes wer executed to the death.

Laird of Johneston contrar Lady Newbie: The actioun for surprysing of ane toure remitted to the Sessioun as judges ordinar. Parties commanded be

The Lairde of Johnestoun, and Robert Johnestoun, uncle to the last Laird of Newbie, being persewed be the Lady Newbie and hir secund dochter, and be Williame Maxwell, spous to the said dochter, for oppression done to thame in the violent taking of the toure of Newbie and withhalding thairof, that action wes remitted be the Counsall to the juge ordinar, becaus the persewar schew na right and the defendar alledged ane right, to the whilk the Lords of Secret Counsall fand not thameselfis

[1] At this point the transcriber of the *Haddington MS. Excerpts* adds these words:—"*This buik endis heir and no farder is to be insert thairin. Sic subscribitur: Jacobus Prymrois.*" They are evidently copied from one of the two now missing volumes of the original Register, and show that the clerk of Council ended that volume at this point, and began another.

Haddington MS. Excerpts.

juges. Thairefter, that action being called before the Sessioun and undecyded, in the beginning of the vacance sum folkis lying darned in the laich houses possessed be the Lady Newbie surprysed the toure of Newbie, and forceablie entered thairin, and schot ane Eduard Johnestoun with ane hagbut and ane uther, and tuke Robert Johnestoun, being seik within the place. Upon adverteisment whairof the Counsall directit the Lieutenant of the Gairde and ane herald to chairge the house; whilk wes delyvered to thame. Then Johneston gave in ane supplication to the Counsall desyring to be restored to his possession of the house whairof he wes so violentlie and extraordinarlie dispossessed, *lite pendente;* whilk not onlie the Counsall refused, bot also ordaned the Lady Newbie to remove furth of the leach houses, and chairged baith the pairties to desist from teilling, sawing, or laubouring of the land of Newbie whill farder ordour wer tane be the Counsall. Whilk mony thocht ane great noveltie *et casum antea inauditum.*

the Counsall to desist from laubouring of land.

The Marqueis of Hamilton being cum to Edinburgh, accumpanied with his freindis, to advyse anent his defensis againis certane breivis of tutorie raised be my Lord of Abercorne, wha wes also accumpanied with his freindis, thay wer baith commanded to thair ludgeingis, becaus it wes suspected that thair numbers micht mak trouble,—whill it wes desyred be thame baith that thay might have leive to meit togidder to tryste and sattill that question be advyse of thair freindis; whilk wes granted.

Nobilmen [Marquis of Hamilton and Lord Abercorn] commanded be the Counsall to keip thair ludgeings in Edinburgh, upon suspicion of thair mutual evill will.

[Taken from the *Minute Book* under date March 1605, no particular date being prefixed to any of the heads.]

Minute Book, Fol. 6, b.

Rebellion: Archibald Murray against Robert Bruce.

Letters for discussing ane suspension: Sir Mitchell Balfour against Earll of Glencairn. March 1605.

Witnesses in the proces persewed against Closburn.

Warrand for precognition against Patrik Ogilvie and Patrik Kinnaird.

Warrand for precognition against Maxwell of Newar and Maxwell of Calderwood.

Rebellion: Mr Johne Hoom against Sir Johne Scott.

Suspension: the deacones of Dundy of ane charge given to them for electione of ther magistrattis.

Rebellion: Johne Achesone against James Baylie.

Rebellione: Johne Archibald against Patrick Hepborne.

Proces for destroying of planting: Maister of Forbes against James Gordon.

Suspension: Mark Carruthers against the Livtenent of the Guard.

Warrand for admissione of the Maister of Elphingstoun to be a Counsellor.

Oppressione: the Lord Dirltoun against Walter Muirsone.

Rebellione: Martha Forrester against Patrik Maule.

Rebellion: Andro Richardsone against Johne Boyd.

Act of admissione of Johne Arnot, thesaurer depute.

Warrand for precognitione against Gordoun of Carnsborrow and Seatoun of Dunlugus. Minute Book.

Ryott: Hamiltoun of Prestoun against Alexander Cokburne.

Rebellione: William Kenny against Sir James Scott.

Rebellione: Mr Williame Keith against Johne and William Keithes.

Oppressione: Thomas Greirsone against Thomas Kilpatrik.

Rebellion: Hectour Foord against Robert Haitley.

Rebellion: Hew Somervale against Hew Somervale.

Rebellion: William Forbes against Patrik Mortimer.

Commissione of justiciary within the bounds of Berwik: Sir William Seatoun and uthers.

Letters for discussing a suspensione: Johne Achesoun against James Richardsone.

Suspensione: Hectour and Thomas Turnbullis against Sir Andro Ker.

Act for banishing Alexander Muirson and William Haig for killing the Kinges deir.

Oppressione and ryott: Johne Charteris against Johne Reddick.

Oppression: the Lord Elphingstoun against Andro Meldrum. Fol. 7, a.

Oppressione and ryott: Alexander Vause against Johne Vause.

Rebellion: Patrik Ogilvie against William Rynd.

Act for directing letters against the presbetries for paying in to Hendry Nisbitt the haill moneyes contribut for supply of the church of Geneva.

Proces for directing cartallis: Ninian Gilhagie against Andro Bell, *et e contra.*

Bill: Thomas Buchanan craving that his apprehensione of Duncan M^{c}Gregour, etc., may be reput good service and [he] be discharged of all actione thairfoir.

Protestatione: James Polwart against William Calder.

Rebellione: Sir Walter Lindsey against the Earll of Craufurd.

Bill: Mr Arthour Erskein for modificaitone of a fyne imposed upon him.

Act modifieing 20s. per diem to everie one of the Guard while they remane at the rebellis house attending the executione of the Counselles commandes against them.

Bill: Gavin Hoom against the Lord Hereis for exhibiting of Cristie Armstrang, etc., rebellis, befor the Counsell.

Letters: Patrik Tuedy against Mr David Wilkie for delyvering up of Johne Tuedie to the persewer as his tutour.

Rebellione: Margaret Dishingtoun against Mr David Guthrey.

Oppressione: Elizabeth Muir against Hendry Sinclare.

Licence to the Earle Argyle to intercommon with the Clan Gregour.

Rebellione: Mr Johne Layng against Patrik Strauchan.

Rebellione: William Kirkadie against Sir William Stewart.

Rebellione: Johne Muirheid against Neil Montgomerie.

Suspensione [of] lawburrows: Mr James Johnstoun against Mr Robert Johnstoun.

Minute Book.

Suspension: Alexander Ogilvie against Sir Mitchell Balfour.

Supplicatione: Cristian Creiff to be putt to liberty.

Suspension of lawburrows: George Borthwik against Charles Cairncroce.

Warrand to Thomas Foulls for renewing the seallis.

Act for proclamatione of the Parliament to be haldin upon the 7 of Junii thereafter.

Rebellion: Johne Yuile against Patrick Yuile.

Rebellion: Duncan Weymes against Robert Beatoun.

Rebellion: James Kincaid against Robert Muir.

Ryott: Maxwell of Gerrarie against Stewart of Garlees.

Commissione to the Chancellour and others to conveen at the cunyehouse and to take tryall of the severall species of gold and silver, and to set a pryce therupon.

Skene Abridgment.

Sederunt—Alexander, Earl of Dumfermling, Lord High Chancellor; Mark, Lord Newbottle; John, Commendator of Hallyroodhouse; Sir Thomas Hamilton of Monkland, Advocate; Sir Richard Cockburne of Clerkingtoun, Lord Privy Seal; Mr John Prestoun of Fentounbarns, Collector; John Arnot, Thesaurer Depute; Sir Archibald Naper of Edinbillie, general of the cunyiehouse. Edinburgh, 2nd April.

"Forsamekill as, in the act and ordinance of the Estaites made anent the present new cunyie of gold and silver, it is speciallie appointit that all sic persons as sall bring in ony gold or silver to the cunyiehous in lignot sall ressave for every Scots unce of gold tryit to be of the fynnes of 22 carrettis the soume of 34 lib̃s. 18s. Scottish money, and every Scotis unce of silver tryit to be of the fynnes of eleven deneirs the soume of 58s. Scotis money, and for all gold and silver brocht into the cunyie hous in cunyiet species, of quhatsumever fynnes the same be, sall ressave peyment proportionallie thairto for everie sort therof, alsweell as forreyne, according to the fynnes therof and A, B, C, it to be made and gevin to the master of his Majesties mint be the Lords of his Majesties Councell and the generall of his Hienes cunyiehous. And now, certane of the saids Lords of his Majesties Councill, with John Arnot, thesaurer depute, and the Laird of Marchinstoun, generall of the cunyiehous, having convenit this present day for making of the said A, B, C, conforme to ane commission grantit to them be the Councel for this effect [*ante*, p. 26], and thai havin at grite lenth conferrit upon this matter, they have made and set doun the said A, B, C, in manner following:—to witt: that for everie unce weicht of Scottis gold and Spanish pistollets of 22 carret fyne quhilk salbe brocht into the cunyiehous in particular species the owner sall ressave 34 lib̃s. 13 schillings 4d.; and for everie unce weicht of crouns, 34 lib̃s. 18s.; for everie unce weicht of auld angells and rois nobles, 37 lib̃s. 10 schillings; for everie unce weicht of Scottis thrissle, noble, and double ducat, 37 lib̃s. 5 schillings; for everie unce weight of Scotis silver Anent the A, B, C, of the cunyie.

and Frenche garderois (? cardeccis) of ii d. fyne, 57 schillings 6d.; for everie unce weicht of ryalls, 58 schillingis:—commanding heirby the master of his Majesties cunyiehous to conforme himselfe to this present ordinance in all sic gold and silver of the fynnes abone writtine as salbe brocht into the cunyiehous in particular species, and for so meikle as salbe brocht in in lignet that he conforme himselfe to the Act of Estaitis maid thairanent, as he will ansuer upon his hichest perrell; and that he cause the extract of this present be affixt in some publict place of the cunyiehous, quhairthrow all his Majesties subjects repairing to the cunyiehous may have knawledge of the same." Skene Abridgment.

Visitation [of the] brig of Levin. Commission gevin to the Lords of Balmerino and Scone to visite the ruynes of the auld brig of Levin and mak report to the Counsall, to the effect thay may tak ordour for allowance of the reparation thairof. Haddington MS. Excerpts, Fol. 338, b.

Statutes for preventing the pest. Commission to the magistratis of Sanct Androis to mak statutes for governement of thair towne in tyme of pest and putting the same to execution.

4th April 1505. *Sederunt*—Chancellor; Huntley; President; Abircorne; Halirudhous; Privy Seal; Quhittinghame; Lourestoun; Cranstounriddell; Sir Michaell Elphinstoun; Sir Johne Arnott. Sederunts, Fol. 39, b.

Nobilmen sould have licence to go to court. The Marqueis of Huntlie, haveing gone to Court without knauledge or licence of the Counsall, wes directed bak be his Majestie to the Counsall, and compeired before thame the 4 of Apryle 1605. Haddington MS. Excerpts, Fol. 338, a.

[Anent persons at the horn.] About this tyme, quhen persons were at the horne for civill debts, the Captane of his Majestie's Guaird wes ordained to take them and bring them befoir the Councill, and to seaze thair houssis and eject thair families furth of the same. Skene Abridgment.

[Plague in St Andrews.] Commission to the magistrates of Sanct Androis (in quhich place the plague wes rageing) to set doun such rules for causeing persons suspect of the pest retire to places appoyntit for that effect, under paine of death, &c.

[Suspension.] Suspension: Alexander Volum of Wodwray against Wood of Bonytoun.

Edinburgh, 11th April. *Sederunt*—Angus; Neubottle; Master of Elphinstoun; Privy Seal; Advocate; Collector; Clerk of Register; Loureistoun; Cranstounriddell; Sir Johne Arnott. Sederunts, Fol. 40, a.

Adam Young contrar John Lundie: The Schirefs letter to be warrand of ane convocation wes rejected, becaus the usear wald not give his Johne Lundye, servitour to the Erle of Montrois, the Laird of Murthill, Mr Johne Douglas, and dyvers uthers, being summond before the Secret Counsall for oppression done by thame to Adam and Johne Youngis, with convocation and bearing of hagbuttis and pistolettis, and sawing of corne upone the snow,—Johne and James Lundies and Robert Grahame and sum uthers compeired not, and thairfore the certification of the letters wes granted aganes thame. The Laird of Murthill and Mr Johne Haddington MS. Excerpts Fol. 337, b.

Jaddington MS. Excerpts.

Douglas and dyvers uthers compeirand, witnessis wes ressaved and sworne and examined upon dyvers heades of the summondis, and sum uther heades referred to the defendares aith of veritie, whilk thay denyed. And, Maister Johne Douglas haveing alledged that he could not be persewed for convocation, becaus he came thair accumpanied with sum freindis be direction of the Erle Merschel, schiref, to stay trouble betuix the pairties, and produced the Erles letter daited ane day before the day of his alledged cumming upon the first Sounday of Merche to the kirk of Bennaine with convocation, etc., to debar Gilbert Keith, Adam and Johne Younges, from thair paroche kirk, it wes ansuered that that letter could be na warrand; for, albeit it bure dait before the Sounday whilk wes the day o. the convocation, yit it wes purchassed sensyne: whilk the pairtie referred to Maister Johne Douglas his aith; and, becaus he refused to give his aith upon the veritie of the date, his exception wes repelled. It wes alledged aganes ane of the witnessis that he could not be ressaved becaus he had gottin gude deid of the pairtie: whairupone the witnes being sworne, and haveing confessed that he had gottin thrie pund to be his expensis and his mans becaus he wes ane pure man, the Lordis admitted him, and thocht that ane pure craftisman that hes not geir of his awin to mak his expensis will rather gang to the horne nor cum so far upone his awin expensis or without certantie of his expensis. And thairfore that witnes and sum uthers, being examined, deponed the convocation to have bene of fourtie hors or thairby at the kirk, and sum of thame to have had jakkis and knapscaes. For the whilk the Laird of Murthill, Maister Johne Douglas, and sum uthers were fyned lichtlie, and ane Lundie put in the towbuith and ordaned to be fyned for being at the sawing of cornes upone the snaw. And, becaus it wes provin that Johne and James Lundies and Robert Grahame, that compeired not, had socht Johne Young at his hous for his slauchter, had doung up his dur, borne hagbuttis, and sawin corne upone the snaw, the Advocat desyred that the Lordis wald ordane the deposition of thir witnessis to stand as probation aganes the saides persones gif at ony tyme thairefter they sould suspend or compeir, or utherwayes thay sould have benefit be thair contumacie: for, gif this probation sould not wourk aganes thame, the persewar being defrauded of justice be the defendars contumacie, gif he sould suspend the horning at the discussing of the suspension, this persewar sould have na authoritie nor warrand to summond or bring witnessis; and, gif he sould raise new summondis, the defendar absentand himself, the persewar sould onlie get the certification of the letters granted; whilk micht be of new suspended, and swa the fact sould never be tryed nor puneissed, bot be eluded be contumacie and new suspensions. And, gif sum of the defendars being least giltie compeired, as they did in this caice, the witnessis being examined aganis thame and thairby knauledge being had of thair depositions, the pairtie contumax thairefter suspendand wald devyse all meanes possibill to declyne these witnessis that he knawes hes deponed aganes him, and swa

aith upon the treuth of the dait of it: It is lawfull to ane pure witnes to accept his expensis from the producear: Beginning of the Act and ordour to ressave witnessis before the Counsall aganis the non-compeirandis.

Fol. 338, a.

sall cut af all possibilitie of probation of the persewares juste caus; becaus, thir oppressions being in effect crymes whilk being oftymes committed upone set pourpose and sumtymes in the night and utherwayes in quyet maner, the pairtie wranged hes not choise of witnessis or laiser to bring witnessis to sie and testifie the injurie, bot mon use sik as be accident knawes it; and, seing domestiks to the producer ar commonlie repelled and uther witnes ar so rare, oure law remittis the tryel of great crymes to assysoures, who will give thair determination according to thair consciences, albeit thay have not bene ey-witnessis, in respect of the scaircetie of witnessis and impossibilitie mony tymes to preive ane trew cryme be witnessis. And, seing thir oppressions ar crymes whilk be the ordour of this jugement mon be provin be witnessis, gif defendares sall have allowance be thair contumacie to delay tyme till thay try what witnessis the persewar will or may use, to the effect thay may have occasion aither to boast thame, seduce thame, or declyne thame, thair sall be na tryell, and consequentlie na remeid for oppressioun. And thairfore the Advocat desyred that the deposition of thir witnessis may stand aganes thame that contumaciouslie ar absent, as ane sufficient probation of the summondis whanever thay sall compeir. Whilk desyre, albeit the Lordis thocht it verie reasonable, yet thay have delayed to mak any ordonance thairanent till the nixtt Counsall day, that thay expected ane maire frequent and solemne number. Haddington MS. Excerpts.

Ninian Makmoran: anent the lowsing of arrestment layed upone ane schip for the Kingis service.

That same day Niniane Makmoran gave in ane supplication to the Counsall desyring ane arreistment laid upon his schip, to the effect scho micht be imployed to the Kinges service to the Iles, to be loused, becaus before the said arreistment, be ane chartour pairtie past betuix him and sum Fleming merchandis, he wes bund to mak ane veyage to Spayne under the payne of tuentie crounes for everie day thay sould be stayed in default of the schip efter the tuentie day of Apryle. Whilk supplication the Lordis remitted to my lordis Chancelar and Secretar, wha had directed the said arreistment to be maid be warrand to thame from his Majestie.

[John Hall to be apprehended.]

Mary Grey, relict of James Weymes in Gingrynislaw, being killed be John *alias* Jok Hall, the Capitane of the Guairde is ordained to apprehend him. Skene Abridgment.

[George Douglas to be apprehended.]

The Captane of the Guaird ordained to apprehend George Dowglas of Longnidrie, being at the horne at Ninian M^{c}Moran, merchant in Edinburgh, his instance, for not payment of £357, 6s. 8d.

Edinburgh, 18th April.

Sederunt—Commissioner; Chancellor; Ergyle; Glencairne; Lynlythqu; Neubottle; President; Lowdoun; Scone; Master of Elphinstoun; Dunkeld; Halirudhous; Privy Seal; Justice Clerk; Advocate; Collector; Clericus Registri; Constable of Dundee; Lourestoun; Quhittinghame; Kilsyith; Cranstounriddell; Sir Johnne Arnott. Sederunts, Fol. 40, a.

Skene Abridgment.

Proclamation against certane Jesuites.

"Forsamekil as, albeit all and sundry jesuites, seminarie preists and excommunicat trafficquing papists, comon enemies to Gods trewth and all Christian governament, are be the Kings Majestie and his Estaitis of Parliament found to be most pernicious instruments of this comonweill, and therfoir be divers Acts and proclamationes comandit to depairt furth of this realme under the pain of death, nochtwithstanding it is of trewth that Mr James Seytoun, Mr John Hamilton, and Mr Robert Abercrombie, jesuites and mess preists, John Gordon of Newtoune, Patrick Butter and Patrick Mortymer, excomunicate trafficquing papists, not only remaine within this cuntrey in contempt of the law and misregaird of our Soverane Lords authoritie, bot with that thai are occupyit amangst the simple and ignorant in perswading them to renunce the trew religion and to imbrace thair superstition and idolatrie, to the offence of God, prejudice of the present estait, and contempt of our Soverane Lord and his authoritie: Thairfoir ordanis letters to be direct chargeing the persons particularlie abonewritten, be open proclamatione at the mercate croces of Edinburgh, Dundie, Aberdene, Perth, and Dumfreiss, that thai, betuixt and the last day of June nixt to come, remove and depairt furth of his Majesties dominions, and nawyse returne againe within the same quhill thai reconcile thaimselffis to the Kirk and thairefter procure a licence for thair returne after the forme and tennor of the saids Acts of Parliament, and under the panis forsaids contenit thairintill, with certificatione to them, and they failye, the said day being bypast, that thai salbe searcht, socht, and apprehendit, and the same panis execute upon them without favour; and that the skipper of the schips quhairin thai sall happin to be transportit report unto the Councill a certificate of thair landing from the port and toun quhair thai sall be landit and set ashoare."

Charge against the Marquis of Huntlie [for professing not to be of the established religion].

"Forsamekil as the Kings Majestie and Lords of Secret Counsall is suire informit that George, Marques of Huntlie, being in conference with some of the ministeris of the shyres of Aberdeen and Murray, quha were derectit in commission to confer with [him] anent his religion, and, he being demandit of them gif he wes of thair religion, he gaif ane direct refuisall, protesting and avoweing that he wes ane of the contrair religion and profession,—quhairby he hes comittit a maist high contempt and offence in presuming to profess and avow ane contrair religion as that quhilk he professit to his Majestie, acknawledgit to be trewth and authorized be the laws of his kingdom, and hes given ane very evill example to others to doe the lyke without remeid be provydit,—therfoir ordaines letters to be direct charging the said Marques to compeir personally befoir the Councill upon the 11th day of June nixt to come, to answer upon the speiches forsaids utterit be him to the saids ministeris, and to underly sic order as salbe injoyned to him thairanent, under the pain of rebellion, &c., with certification, &c."

"Forsamekil as the Lords of Secret Councill hes thocht meit and expedient that all our Soveraines tapestrie and moveables being within

Commission for making ane inventar of his Majesties moveables.

this kingdom, quhilks ar now dispersit and some pairt thereof in the possessione of certane gentlemen of the cuntrey, sal be collectit and put in ane gardrope, and ane inventar made thairof,—quhairthrow the same may be in readines at all tymes quhen the occasion of his Majesties presents,—therfoir the saids Lords gives and grants full power and commission to Mr William Broun, thesaurer clerk, to repair to his Majesties pallaces of Halyroodhous, Linlithgow, Striveling, Dunfermling, and Faulkland, and thair to collect his Majesties haill moveables and tapesterie being within the saids places, and to make ane inventare thereof, and to put the same under suir custodie and keiping quhill direction be given for transporting of the same to some of his Majesties gardrops, as the saids Lords sall think guide: commanding heirby the keipairs of the saids pallaces to make the same patent and open to the said Mr William, and to informe him quhair his Majesties said moveables are, to the effect he may make the said inventar, as thai will answer to the saids Lords upon their obedience." Skene Abridgment.

[Claimants to lands of Newby.] William Maxwell, brother to John, Lord Herreis, and Robert Johnston, called of Newby, being contending for the lands of Newby, they are ordained to desist from all medling thairwith quhill the same be decydit be law, and to find caution for that effect befoir thai remove fra Edinburgh, under pain of 3000 merks.

[James Skene pursuer in an action.] James Skein, brother german to umquhill Mr Gilbert Skein, his Majesties doctor of medicine, hes ane action of furthcomeing against some debtors of Sir James Hamilton of Liberton.

[James Dalrymple to be denounced.] James Dalrymple, brother german to John Dalrymple of Stair, ordained to be denuncit for wearing of hagbuitis and pistollets, quhairwith he had invadit Allan Cathcart of Waterhead and slew his horse under him.

[George Douglas a rebel.] George Dowglas of Mordingtoun ordained to be apprehended by the Captane of the Guard, being denuncit rebell at the instance of Alexander Fairlie of Braid, for not payment of a debt [to] Mr Gilbert Guthrie, younger.

[John Fraser.] Marchmond herauld hes ane action against Johne Fraser of Clinterture.

[Robert Scott against Alexander Jarden.] Robert Scott of Thirlestane, having maried Katharine, sister to Alexander Jarden of Aplegirth, persews the said Alexander for the tocher, being 2000 merks. The contract of marriage is daited at Peebles, 23rd January 1602.

[Hew Cowan to be warded.] Hew Cowane in Samuelstoun, for the violent raveishing and awaytaking the daughter of umquhill George Carketle, burges of Edinburgh, ordained to be wardit; and the said Carketle, and her husband for his interest, and her mother, and Hary Drummond her husband for his interest, ordained to prosecute him.

[Lord Maxwell reconciled to the Laird of Johnstone.] John, Lord Maxwell, being chargit to submit the fewd betuixt him and Sir James Johnston of Dunskellie, he compeirs and declairs that he wes content, without submission or uther ceremonie, to tak the said Laird of Johnstoun by the hand and to be reconceilled to him.

[? 25th April.] Mr Robert Dowglas, provost of Lincluden, and Sir William Grierson of

Skene Abridgment.

Lagg, ordained to present George Grahame, brother german to umquhill Earle of Monteith, and others, quho had robbed, under silence of night, out of the park of Monteith, 16 meires with their followers, pertaineing to Coline Campbell of Lundie, and dame Marie Campbell, Countess of Monteith, his spous, and that becaus thai had resset them in thair boundis. [Order for entry of George Grahame, accused of spuilyie.]

Sederunts, Fol. 40, a.

Sederunt—Chancellor; Neubottle; Scone; Dunkeld; Halirudhous; Privy Seal; Advocate; Collector; Clerk of Register; Sir George Douglas; Sir Johnne Arnott. 25th April.

Skene Abridgment.

Rowy Batie, brother to Alne Batie of Uplatresk, suspendis letteris raised against him for deforcing the Captane of the Guaird, executing letters against Annandel men. [Rowy Batie suspends letters of horning.]

The Captane of the Guaird ordained to take James Cheyne of Pennane, lying at the horne for not payment of 1200 merks to Patrik Hepburne of Wauchtoun, Sir Alexander Drummond of Carnock, William Congletoun *de eodem*, and Patrick Home, younger of Heuch. [James Cheyne to be apprehended.]

Patrick Quhytlaw, fiar of Newgrange, ordained to be apprehendit by ditto for not payment of 1000 merks to John Johnstoun *de eodem*. [Patrick Whitelaw to be apprehended.]

Haddington MS. Excerpts, Fol. 332, b.

Andro Banerman exemed from the Erle of Atholes jurisdiction, becaus the Erle had tane him and keipit him in the irnis, he not being convict be any juge. The Erle ordanit to find him caution of lawborrowis under the payne of 5000 merkis, and Andro ordanit to find cautioun before the Justice or Counsall when he sould be chairgit. April, 1605. Exemption for oppression [Andrew Bannerman and the Earl of Atholl.]

Andro Banerman and his wyfe exemit from the bailyies of Dunkeld, in respect of the rigorous act gevin owt be thame aganis hir; and the tryell of the sclanderous speaches alledgit utterit be hir aganis the Erle of Athole remittit to the presbitrie of Dunkeld. [Andrew Bannerman and his wife.]

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Recovered Fragments of Acta 1605–6. Page 67.

[to remain in ward?] till he pay to the pursuer £20 for "invaiding and stryking him with the gairdis of his sword"; also, to restore to the pursuer the two cows reft from him. The defenders are also ordained to find caution in £500 each for the indemnity of the pursuers, and to be detained in ward in the tolbooth of Edinburgh till they find the said caution. [? 25th April.]

[The following entries are taken from the *Minute Book*, where they appear collectively under date April 1605, no particular date being prefixed to any of the heads.]

Minute Book, Fol. 7, b.

Band of lawburrows: Uchiltrie M^cDowell for Johne Cochran to James Tuedy. April 1605.

Band of lawburrows: Mr Walter Rosse for Mr Johne Rosse to Johnne Corbatt.

April 1605. Band of lawburrows: Johne Kinneir for James Hay to Andro Kinnaird. Minute Book.

Band of cautionerie: Johne Greirsone for Sir William Greirson, to buy armor from Sir Mitchell Balfour.

Band of lawburrows: James Johnstoun for Gilbert Johnstoun to Adam Murray.

Band of lawburrows: Robert Falconer for Mr James Sibbald and uthers.

Band of lawburrows: William Hamiltoun for Dalrymple of Stair to James Dalrymple.

Band of lawburrows: Robert Keith for Gilbert Keith.

Bands of cautionery for not intercomoning [with] William M°Kie for Alexander Cunyngham and uthers.

Protestatione: Gilbert Keith against Johne Lundy.

Rebellion: William Stewart against Mr Alexander Hamiltoun.

Oppressione and ryott: Johne Hoom against Georg Douglas, etc.

Rebellion: Ninian M°Morran against Georg Douglas.

Rebellion: Hary Wood against Alexander Wolum.

Rebellion: Mawes Kincaid against Walter Cheisholm.

Rebellion: Alexander Boswall against Thomas Oliphant.

Rebellion: Johne Dun against Colin Campbell.

Rebellion: William Weymes against Johne Hall.

Rebellion: Johne Leyes against Hendry Allan.

Rebellion: Alexander Seatoun against Patrik Cheyn.

Rebellion: Nicoll Young against David Fleming.

Rebellion: Robert Elshinder against Johne Scott.

Rebellion: Gilbert Guthrie against Johne Fraser.

Rebellion: Margaret Dentoun against Angus Murray.

Rebellion: William Hepborn against Hendry Sinclar.

Act ordaining the master of the cunyiehous to conform himself to the A, B, C, sett doune be the Lords of Counsall as the pryces of gold and silver.

Rebellion: David Beatoun against Sir James Scott.

Protestation: Alexander Wolum against Hary Wood.

Act in favour of the magistrattis of St Androis for making of acts anent repressing of the pestilence.

Rebellion: Mr Patrik Hepborn against Mary Whytlaw. Fol. 8, a.

Rebellion: Thomas Rosse against Johne Rosse.

Protestation: Alexander Gordon against the Advocat.

Proces: William Linlithgow against Hamiltoun of Stenhous for payment to him of 1000 lib. as the assythment appointed to him for losse of his luggs.

Rebellion: James Hendersone against Johne Cranstoun.

Oppression: Alexander Gordon against the Marquis of Huntly.

Letters: the magistrattis of Faulkland craving liberty to big a bridge on the water of Levin.

Minute Book. Act for arreisting the ship of Leith called "The Gray Hound" to be foirthcumand for the Kinges service.

Articles condescendit upon be the Commissioners of the Bordouris.

Suspension: Hew Cowan against George Karketle.

Letters against M^cFarlane for resetting of Clan Gregour.

Rebellion: Robert Scott against Alexander Jardin.

Rebellion: Alexander Fairlie against George Douglas.

Ryott: Allan Cathcart against James Dalrymple.

Precognitione against William Maxwell and Robert Johnstoun.

Rebellion: James Skeen against Thomas Anderson.

Precognitione against Gordon of Carnborrow and Ogilvie of Dunlugus.

Warrand to cite the Marquis of Huntley to answer upon his publique professing himself to be papist.

Proces: Thesaurer against Hendry Pitcairn, etc., for killing of venison belonging to Faulkland Park.

Wrongous imprisonment: James M^cCall against David Maxwell.

Suspension: Sir William Greirsone against Sir Mitchell Balfour.

Rebellion: Patrik Pitcairne against Alexander Seatoun.

Act for charging Mr James Seatoun and others, papists, to remove of the countrey, with certification.

Act ordaining Mr William Broun, thesaurer clerk, to inventar and intromett with certane of the Kinges tapestrie and uther moveables within Stirling, Faulkland, etc.

Commissione and licence for extirpatione of the wicked race of Clan Gregour.

Rebellion: Johne Watt against Alexander Bruce.

Rebellion: Lord Scone against the Lord Maxwell.

Fol. 8, b. Rebellion: Patrik Hepborne against James Cheyne.

Ryott and oppression: Johnstoun of Newbie against Maxwell of Gribtoun and his complices.

Suspension: Rowie Beatie against the Leivtenent of the Guard.

Ryott: Robert Porteous against Johne Loppie.

Suspension: William Sandes against Michaell Balfour.

Wrongous imprisonment: Lawrence Bannerman against the Earle of Atholl and baylies of Dunkell.

Rebellion: Mongo Short against Robert Stewart.

Recovered Fragments of Acta 1605–6. Page 67. *Sederunt*—Alexander, Earl of Dunfermling, Chancellor; Johnne, Commendator of Halyruidhouse; Sir Richard Cokburne of Klerkingtoun, Lord Privy Seal; Sir Johnne Cokburne of Ormestoun, Justice Clerk; Archibald Douglas of Quhittinghame; Sir Thomas Hammiltoun of Monkland, Advocate; Mr Johnne Prestoun of Fentounbarnis, Collector; Sir Johnne Skene of Curriehill; Mr David M^cGill of Cranstounriddle; Johnne Arnot, Treasurer Depute. Edinburgh, 2nd May.

Preamble states that it has been the "ordinarie custum" of the

Proclamation against continuance of the custom of destroying of game by hunting within the Fells of Cheviot and adjacent parts.

inhabitants of Roxburgh, Selkirk, and Liddisdall "to hunt within the Fellis of Cheviot and pairtis thairabout, with spoyling of the haill gayme, and with distroying of the wodis and treis growing thairintill," and that this custom "procedit upoun the small accompt that wes maid of the preservatioun of it, it being the verie limite and bordour betuix the two several frie Princeis dominionis." There is no reason now, however, why this custom should be any longer continued, "seing that whiche wes the bordour is now become the verie middis." Moreover, "thir two last yeiris experience of the setling of these Bordouris, being heirtofoir tumultous and unquiet be the distractit affectioun of the one people from the uther undir severall Princes, and now being all in uniformitie of myndis to us thair onlie Soverayne, may gif sufficient argument of assuirance to everie ane that we fullie resolve to have the saidis bundis haillelie maid obedient, and speciallie that oure gayme and oure wodis within the Fellis of Cheviote and uthir pairtis thairto adjacent be keipit, and be not, according to the usuall abuse heirtofoir, hunted, spoyled and distroyed, we haveing maid particulair chose of oure trustie cousing and counsallour, the Lord of Beruik, to be keipair of our said gayme."—Accordingly, "oure will is that publicatioun be made at the mercat croces of Selkirk, Jedburgh, Hawik, and Peblis, inhibiting and dischairgeing all and quhatsumevir personis dwelling within the schirefdomes of Roxburgh and Selkirk and within the boundis of Liddisdaill, and all utheris quhatsumevir, his Majesteis subjectis and legeis, quha wer in use to repair to the said yeirlie spoyle that wes maid of the gayme and woodis upoun the said Cheviote, that they in no cais repair to the same, athir for the hunting and spoyle of the gayme within these boundis, or for cutting and distroying of ony wodis growand thairon, without speciall licence and tollerance had and obteyned frome us and the said Lord of Beruik, our keipair foirsaid, as they will ansuer thairunto upoun thair perrellis." Recovered Fragments of Acta 1605–6. Page 68.

[Spence against Ogilvie.]

James Spence of Wolmerstoun gets orders to Captaine of Guaird to apprehend John Ogilvie for a civill debt due to him. Skene Abridgment.

Hunting in Cheviot forbidden.

[Beginning of another Act, repeating the substance of the preamble to the last but one, but left imperfect by the defect of a folio at this point. The two Acts are thus summarised in the *Haddington MS. Excerpts* :—] Recovered Fragments of Acta 1605–6. Page 68.

Proclamation aganis hunting in Cheviot; and dyvers Bordouraris ordanit to compeir before the Counsall, under the payne of horning, to find caution to absteane. Haddington MS. Excerpts, Fol. 338 b.

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Decree against James Abernethy and others for disobedience.

Charge had been given to James Abirnethie, son and heir of the late Johnne Abirnethie of Gilstoun, Issobell Winrahame, his mother, and Mathew Finlasoun of Killeith, to answer before the Council this day, viz., 2nd May, for their "proud and contemptuous rebellioun and dissobedience." The pursuer appearing, but none of the defenders, the decree is to command the Captain of the Guard to apprehend and Recovered Fragments of Acta 1605–6. Page 71.

Recovered Fragments of Acta 1605-6.

present them before the Council, to remove their families furth of their houses, and to make inventory of their goods, that the same may be furthcoming to his Majesty.

Decree at the instance of Richard Abercromby against James Crambie.

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Action by Richard Abircrumbie of Poltoun, as follows :—Upon 16th August 1603, James Crambie, burgess of Perth, had been put to the horn for not paying pursuer 750 merks, the accumulation of an annualrent of 300 merks for certain terms bygone, and also for not fulfilling certain articles contracted between them 25th July 1600. The defender continuing at the horn, charge had been given him to answer this day, viz., 2nd May, for his disobedience ; and now, the pursuer appearing by Thomas Andro, his procurator, but the defender failing to answer, decree is given against defender as in last Act.

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Decree against David Lindsay at the instance of James Douglas.

Action by James Douglas in Leith, setting forth that, upon 21st March 1601, David Lindsay, fiar of Vayne, as cautioner and surety for dame Marie, Countess of Athoill, had been denounced rebel for not paying pursuer 3000 merks as principal and 200 for expenses. Defender, having remained unrelaxed, had been charged to answer this day ; and now, the pursuer appearing, but not the defender, judgment is pronounced as in the two last Acts.

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Horning upon James Blackadder anent buying arms from Laird of Burlie suspended.

Complaint by James Blacader of Tulliallane, as follows :—He has been lately charged by Sir Michaell Balfoure of Burley to buy in Perth, from him or from Johnne Jamesoun his factor, three stands of horsemen's arms, under pain of rebellion. Now, long before Balfoure imported armour, complainer had been provided with two good corslets "of the pruif" for himself, besides a number of jacks, muskets, hagbuts, pikes, spears, and other arms for his servants, sufficient to arm eight persons. Moreover, he is not bound to buy three stands, because his whole rent will not exceed 24 chalders of victual, out of which he has divers annualrents to pay. Still, he has found caution to buy the said armour if legally

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required.—The pursuer and Jamesoun appearing, the Lords suspend the said letters of horning, because the pursuer has satisfied the defender for a stand of horsemen's arms and two muskets,—which arms he has been ordained to buy in full content of the said three stands.

Lady Cassillis against Robert and Oliver Edgar for oppressing her tenants of Thirlstane : cause continued.

The Lords continue to the 16th instant the action raised before them by dame Jeane Flemyng, Lady Cassillis,[1] Johnne, Earl of Cassillis, her spouse, for his interest, Johnne Cokburne of Clerkingtoun, their tacksman of the lands underwritten, and James Walderstoun, their tenant of the lands of Gairmure, lying in the shire of Beruik and regality of Thirlstane, against Robert Edgair of Wodderlie, and Oliver Edzer, his brother, for molesting the pursuers in their lands of Gairmure, driving their goods off the said lands, and injuring their tenants and servants. The said Lady,

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Walderstoun, and Robert Edzer, being present, are warned hereof ; and the said Robert obliges himself in 500 merks to enter Oliver the same day.

[1] *Haddington MS.*, Fol. 339, b, adds "conjunct fiear of the landis and lordschip of Thirlestane, and my Lord of Thirlestane, fiear thairof."

Turnbull of Minto against Ker of Fernihirst for breach of assurance and spuilyie of goods.

Complaint by Sir Thomas Hammiltoun of Monkland, King's advocate, and Thomas Trumble of Mynto, for his interest, as follows :—Notwithstanding the assurance, dated 4th and 6th December last, made by Sir Andro Ker of Phairnyhirst, and Andro Ker, his son and apparent heir, to Trumble that he and his men should be unharmed of them or their friends to 1st January 1606, under pain of infamy and £5000, yet, upon 21st and 23rd March and 6th and 13th April last, the said father and son and Robert Ker of Li . . ., with others, to the number of three score persons, came with jacks, steelbonnets, swords, lances, and other weapons, to the lands of Barnehillis and Halreull, belonging to Hector Trumble of , and Johnne Trumble, his son and apparent heir, the complainer's kinsmen, and there committed spulyie. First, finding them and their servants at the ploughs, they injured the said servants, loosed the ploughs, and reft 20 oxen, 16 horses, and 2 mares from the lands of Halreull. Then they went to the barns and barnyards of Halreull, belonging to the said Johnne, and "kaist in, thrusche out, and away-tuke" six stacks of bear, each stack of 30 bolls, ten stacks of oats, each of 30 bolls, two stacks of wheat, each 20 bolls, and a great stack of pease of 40 bolls. Afterwards, they passed to the lands and barnyards of Barnehillis belonging to the said Hectour, and there thrashed out and took away four stacks of bear amounting to 80 bolls, four stacks of oats amounting to 80 bolls, a stack of wheat of 40 bolls, and a stack of pease of 30 bolls. Again (upon 6th April last), the said offenders came to the lands of Hartwodsykis in Liddsdaill, where the said Johnne Trumble had 50 score sheep pasturing,—immediately before transported furth of his lands of Rauchhope, lying within the regality of Jedburgh Forrest,—and masterfully reft the same.—The pursuers appearing personally, and the said Andro, younger, for himself and his father, the Lords remit the question anent the right of the goods taken away to the Lords of Council and Session, reserving decision as to the break of the assurance. Recovered Fragments of Acta 1605-6. Page 77. Page 78. Page 79.

John Wallace against Allan Brock for assault.

Complaint by Johnne Wallace in Restalrig that, upon 16th April last, while he was going from the town of Restalrig to the Links of Leith, Allane Broke in Restalrig followed him, and, without cause, "first fellit him" with a blow on the head from a baton, "and thairefter strak him thairwith in divers uthiris pairtis of his body, to the effusioun of his blude in grite quantitie."—Both parties appearing, and the defender having confessed that, because the pursuer was driving certain sheep and lambs through his corns, "then a-breird," he struck him with a rung which he had in his hand, the Lords ordain him to be kept in ward in the tolbooth of Edinburgh till relieved. Page 80.

Edinburgh, 9th May.

Sederunt—Alexander, Earl of Dumfermling, Chancellor; Mark, Lord of Newbottle; Johnne, Commendator of Haliruidhous; Sir Richard Cokburne of Clerkingtoun, Lord Privy Seal; Sir Johnne Cokburne of Ormestoun, Justice Clerk; Sir Thomas Hammiltoun

Recovered Fragments of Acta 1605–6.

of Monkland, Advocate; Sir James Skrymgeour of Dudhop; Sir Johnne Skene of Curriehill; Johnne Arnot, Treasurer-Depute.

Lady Mochrum against Alexander Dumbar for debt.

Action by dame Elizabeth Mure, Lady Mochrum, setting forth that, upon 20th February 1602, Alexander Dumbar of Egirnes, as principal, and Alexander Ahannay of Sorbie, as surety for him, had been put to the horn for not paying her £4 for each boll of two quantities of 18 bolls and 33 bolls of oats, and £9 for each boll of 54 bolls of bear. Charge had been given them to answer to the complaint [the connection broken, though the pagination appears to be complete; but from the *Skene Abridgment* it appears that warrant was given to the Captain of the Guard to apprehend the defenders].

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[Imperfect copy of an Act, with this conclusion :—]

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John Wilson against Robert Wilson, as cautioner for Sir William Hume of Whitelaw.

Robert Hepburne produces an acquittance, subscribed for the said Johnne Wilsoun by a notary, bearing that he received from the said Robert £100 in part payment of the £200 foresaid. Farther, the said Robert, having now consigned another £100 in complete payment of the said principal sum of £200, to be delivered to Wilsoun, desires to be freed of the annual and expenses foresaid, as he was only cautioner in this matter for Sir William Home of Quhytlaw, and Marie Quhytlaw, his spouse, and had paid the said whole principal sum with his own goods.—The Lords ordain Wilsoun to receive the said sum consigned in full payment of the said principal sum of £200, and reserve to him action only against the said Sir William and his spouse for the annual and expenses.

Edinburgh, 16th May.

Sederunt—Alexander, Earl of Dunfermling, Chancellor; Angus; Balmerinoch, President; Newbottle; Scone, Comptroller; Bishop of Dunkeld; Bishop of Ros; Justice Clerk; Lord Privy Seal; Quhittinghame; Makenzie; Cranstoun-Riddell; Advocate; Collector; Sir Johne Skene; Sir George Dowglas; Mr Alexander Hay of Foistersait; Johnne Arnot, Treasurer-Depute.

Decree against James Bellenden of Spittal, at the instance of Hew and James Bellenden, for non-payment of debt.

Complaint by Hew Bellendene, son of the late James Bellenden, elder of Pendreich, and James Bellendene, son natural of the late . . . Bellenden,

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also son of the said James, and by the said Hew as tutor for the said James, to the effect that James Bellindane of Spittall has remained at the horn at their instance since 7th March 1604, for not paying them 2000 merks as principal, together with 9 merks for each boll of 40 bolls of "cheritit beir" for all years and terms since Martinmas 1597, with the sum of 200 merks as expenses; and also for not fulfilling certain articles of a contract dated 2nd June 1597.—The pursuers appearing by Williame Sincklair, their procurator, but the defender failing to appear, the Lords ordain the Captain of the Guard to apprehend and present him, to remove his family furth of his houses, and to inventory his goods, that

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the same may be forthcoming to his Majesty.

Action by Johne Carmichaell, tailor, burgess of Edinburgh, bearing

John Carmichael against Sir John Carmichael of Lawers for debt.

that Sir Johnne Campbell of Laweris has been at the horn since 17th July last for not paying him £120, together with "ane fat hieland kow," or £20 for the price thereof, as principal, and £50 as expenses, specified in his obligation of date 14th June 1603, and also for not delivering to him 50 bolls of victual as principal and £40 as expenses, conform to his letters obligatory and decree of the Lords of Council interponed thereto.—The pursuer appearing, but not the defender, decree is given as in last Act. Page 84.

Recovered Fragments of Acta 1605–6.

Countess of Angus and her son against Jonet Rhind and her son for not warranting to them certain teinds.

Action by dame Geillis Grahame, Countess of Angus, and Sir Robert Dowglas of Glenbervie, her son, bearing that, upon 8th February 1594 and 20th April 1597, Jonet Rynd, relict of David Lyell, burgess of Abirbrothok, and Robert Lyell, son and heir of the said David, had been put to the horn for not warranting to the pursuers the teind sheaves of the lands of Panlachie and mill-lands thereof, conform to an assignation made by the said late David and his spouse to the late William, Earl of Angus, and his said spouse, their heirs and assignees, according to a decreet of translation obtained by the complainers against the said Robert as son and heir foresaid. The defenders having remained at the horn, charge had been given them to answer this day [the connection here broken, by defect of four folios of the Register].

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[David Kelso denounced.]

David Kelso, cuitler in Edinburgh, ordained to be denuncit for invading Alexander Penniecook, sometime *de eodem*, now ane of his Majesties Guaird, behind his back, and mutilating him of 2 fingers.

Skene Abridgment.

[Master of Glammis to be apprehended.]

Sir Thomas Lyon of Auldbar (he is designed Master of Glames on the margine) ordained to be apprehendit be the Captaine of the Guaird for not payment of a civill debt.

[Lord Forbes to be apprehended.]

The Captane of the Guaird ordained to apprehend John, Lord Forbes, for not payment to John Patton of Ferrochie of 78 crouns of the sowne at 5 merks per peice.

Charge of assault against David Stewart of Cramond and others.

. . . . Charge had been given to David Stewart in Crawmont, Hary Stewart in over Cramond, and Thomas Stewart in Nether Crawmond, to answer this day, viz., 16th May for having assaulted . . , who "hes continewalie sensyne lyne bedfast, unable to ryd or gang."—The pursuer appearing, and also the said Thomas and Hary, the Lords assoilzie both, because they have declared by their great oath that the "same wes not of veritie," but ordain the said David Stewart to be denounced rebel for his non-appearance.

Recovered Fragments of Acta 1605–6. Page 93.

Protest in favour of Lord Elphinston and Lady Drumquhassil anent the delivery of the place of Cragyverne.

James Fogo, servitor to Alexander, Lord Elphingstoun, appears as procurator for the said Lord, and for Margaret Elphingstoun, Lady Drumquhassill, and gives in a copy of letters raised by James Cunynghame of Glengarnok, charging the said Lord and Lady to appear this day, viz., 16th May, to hear themselves decerned to deliver to Cunynghame the place of Cragyverne, to be possessed by him during the time of the ward thereof, conform to the gift granted to him. Cunynghame not appearing, Fogo protests that the said Lord and Lady shall not be held to answer farther till newly warned; and the Lords admit the protest.

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Recovered Fragments of Acta 1605–6.

Lady Cassillis against Edgar of Wedderlie and his brother for molesting her servants.

Resumption of the action by Lady Cassillis against Robert Edzer, and Oliver, his brother, for the pursuit by the said Oliver of Thomas Walderstoun, servitor to her tenant James Walderstoun, for his bodily harm upon 17th and 18th March last (*ante*, p. 43).—The pursuers appearing by Page 95. Thomas Young, writer, and the defenders being also present, and Young having referred the complaint to Oliver's oath of verity, and Oliver having confessed that he threatened the said James for pasturing of goods on the lands of Gairmure, "saying that he sould brek all the banes of his skyn," but Robert Edzer having declared that this was not done by his direction, the Lords assoilzie Robert, but ordain Oliver to be kept in ward in the tolbooth of Edinburgh till he find caution for the indemnity of the said Lady's tenants and servants under the pain of 500 merks.

Home of Blackadder, elder and younger, against the Earl of Home and his servants, for troubling the pursuers in the possession of their lands.

Complaint by Johne Home, elder, and Johnne Home, younger, of Blacader, as follows:—Robert Home, son of Williame Home of Aytoun, James Levinstoun in Hundwode, his servitor, Thomas Heriot in Dunglas, Mathew Craig in Windielawis, Johnne Frude (Furde), son of Cristopher Frude (Furd) in Thornetoun, Stevin Bryce in Old Cambus, Patrik Hewat there, Haistie in Brumknowis of Fogo, Alexander Trotter, son of James Trotter in Fogo, Johne Quhillus *alias* The Jup, Alexander Trotter in Pundfald, Johne Hewat there, Mr Thomas Trotter in Chestairis, Thomas Trotter in the Hill, Andro Tunno, grieve in Fischweik, and James Neisbit in Thornetoun, with others, all armed with jacks, "secriteis," steelbonnets, lances, swords and other weapons, came in April last at night to the complainers' byre of Fischeweik, put their whole goods furth thereof, and unmercifully assaulted their servants in the said byre, obliging them to Page 96. flee for their lives. Afterwards the said persons, in a "tumultuous maner," came "rydand athort the feildis, making provocatioun to the saidis complenairis to have enterit in combat with thame."—Johnne Home, younger of Blacader, appearing for himself and his father, and the said Robert Page 97. Home and Mathew Craig being also present, and Sir Johne Home of Coldounknowis appearing for Alexander, Earl of Home, in respect of the right claimed by the Earl to the lands of Fischweik, the Lords, understanding that the occasion of the complaint is a disputed right between the Lairds of Blacader and the Earl of Home to the lands of Fischeweik, and seeing that the Laird of Blacader's possession is anterior to that of the Earl of Home,—as verified by production of an instrument under the subscription of Johne Dewar, notary, bearing that, upon 22nd October last, after the decease of Margaret Dundas, liferenter of the said lands, the said Johne Home of Blacader, as heritor of the said lands, removed her goods from the same, and entered himself therein as nearest heir to the late Johnne Home of Blacader, his good sire,—allow the said Laird of Blacader's possession of the said lands till it be decided before the judge ordinary to which of the claimants the said lands belong, and ordain the Laird of Coldounknowis and all others to forbear all molestation meanwhile of the pursuers in the possession of the said lands.[1]

[1] A summary of this minute occurs at Fol. 339, b, of the *Haddington Abridgment*, under date 2nd and 16th May.

Johnstone of Newby against his mother and sister for having ejected him from the tower of Newby.

Complaint by Robert Johnnstoun of Newby that Barbara Johnnstoun, eldest daughter of the late Johnne Johnnston of Newbie, and of Elizabeth Stewart, his spouse, alleging herself to be infeft in the lands and barony of Newby with the manor place thereof, and in the fishing of Newbie and Newscaris, had, with William Maxwell of Brigtoun, her spouse, and the said Elizabeth, her mother, caused summon the pursuer to deliver to them the said place. The action, having been called before the Secret Council, had been remitted to the Lords of Council and Session; but, while the cause was in dependence before these Lords, the defenders, taking the law into their own hands, had, in March last, convoyed Johnne M^cBrair, and Robert Johnnstoun, called of Brume, domestic servitors to the said Maxwell, Thomas Jerdane, called of Birnok, Edward Maxwell, brother of the Laird of Conhaith, and James Jerdane, servitor to Lord Hereis, within the "laich hall and houssis" of the place of Newbie, inhabited by the said Elizabeth and Barbara; where, armed with jacks, swords, steelbonnets, pistolets, long guns and other weapons, they surprised the tower of Newbie occupied by the pursuer, shot Edmund Johnnestoun, his brother, through the body, wounded Johnnstoun, his servitor, in the face, bound the hands of the pursuer, who "wes lyand deidlie seik," and ejected him and his whole company furth of the tower, which has since been delivered by the said William Maxwell to the King's Guard. Now, as the complainer has occupied the said tower and lands as apparent heir male and of tailzie to the late Johnne Johnnstoun of Newby, his father, and has sown most of the oat seed in the said lands, he ought to be maintained in the same till he be lawfully put therefrom.—The pursuer and Maxwell appearing, the Lords, in respect of an Act of Secret Council produced by the defenders, of date 18th April last, ordaining both parties to desist from all intromitting with the lands and houses of Newbie till it should be decided to whom the same belongs, find that the said tower of Newbie should not be delivered to the pursuer, and ordain it to remain sequestrated from both parties till there be legal decision.

Recovered Fragments of Acta 1605-6. Page 98. Page 99. Page 100. Page 101.

Johnstone of Newby against Maxwell of Gribton for entry of two of his servants mentioned in the last Act.

At the instance of the said Robert Johnnstoun of Newbie, William Maxwell of Gribtoun had been charged to enter Johnne M^cBrair and Robert Johnnstoun of the Brum, his servants, to answer to the complaint against them.—Both parties appearing, and the defender having alleged that he was not bound to enter them, because, before the charge foresaid, they were denounced rebels at the instance of the pursuers, and therefore out of his keeping, the Lords find that he ought to enter them notwithstanding, and ordain him to do so upon 20th June next, under pain of rebellion.[1]

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Gavin Home against Lord Maxwell, requiring him to answer for certain of his men.

Action by Gawin Home of Johnnscleuch, as follows:—Upon 6th July last, Cristie Armestrang, called Geordy's Cristie, principal, and William Maxwell, apparent of Tinwald, and Johnne Armstrang in Hoilhous, as

[1] These two actions are recorded in an abridged form in the *Haddington MS.*, Fol. 337, a, 340, a, under dates 2nd May and 16th May respectively.

Recovered Fragments of Acta 1605–6.

sureties for him, had been put to the horn for not paying pursuer 480 merks, as principal, and £100 as expenses, specified in their obligation dated at Dumfries 26th December 1603; and pursuer had thereupon obtained letters of caption against them. They remain still at the horn, nevertheless; and, as they are men of Johnne, Lord Maxwell, he is bound to answer for them. Moreover, as the said obligation was given for the safety of Cristie's life, when he was "upoun pannell and undir the danger of the lawis" for theft of goods from the complainer, the said Lord is

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answerable for redress to the pursuer.—Parties having been called upon 25th April last, and the pursuer having appeared personally, and the defender by Mr Alexander Maxwell, his procurator, the Lords had then ordained Lord Maxwell either to satisfy the complainer by this date or else to enter the said rebels this day. And now, the pursuer again appearing, but not the defender, decree is given against defender for payment of the said principal and expenses.

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Sederunt—Alexander, Earl of Dunfermling, Chancellor; Angus; Balmerinoch, President; Newbottle; Uchiltrie; Bishop of Ros; Bishop of Dunkeld; Halyruidhouse; Justice Clerk; Privy Seal; Constable of Dundie; Quhittinghame; Cranstounriddell; Advocate; Collector; Sir Johne Skene; Johne Arnot, Treasurer-Depute. Edinburgh, 23rd May.

Patrick Storie against Walter Scott for oppression.

Complaint by Patrick Storie in Roull-Spittell, tenant of James Douglas of Caveris, sheriff of Roxburgh, and by his mother, to the effect that, upon 30th March last, Walter Scott in the Dyk, with others, all armed, came to the pursuer's lands called the Meadow, loosed the plough, and threatened him with drawn swords, avowing to have his life if ever he were again found manuring the said lands.—Charge had been given to the defender to answer to this complaint, under pain of rebellion [the connection here broken, five folios of the Register being wanting].

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Haddington MS. Excerpts, Fol. 340, b.

John Browne contrair Edward Johneston: mutilation tryed before the Counsall.

Johne Broune being persewed be Eduard Johnestoun, younger, for the violent attempting to have forced his wyfe upon the hie streit of Edinburgh at ten houres at evin, the said Johne Broune alledged that na process could be granted, becaus before the intenting of this cause he had raised summonds and summond Eduard Johnestoun, persewar, to compeir before the Justice to underly the law for mutilation and demembring of him of his thumbe of his left hand, committed be Eduard at the verie same tyme that he alledgis this man to have attempted the violence foresaid, and thairfore na tryell could be ressaved before the Counsall be witnessis to be prejudiciall to the assyse in the criminall persute. Notwithstanding whairof, the Lordis examined the said Johne Broune, and committed him to wairde in the toubuith.

Persewar warded for wrangous persute.

That same day the Lordis wairdit in the toubuith Watson in Aberdene, for his wrangous compleaning and summonding of Alexander Jeffray in Aberdein before the Counsall.

Allouance to the Guairde for thair expensis.

Ane Act of Counsall being maid that pairties being at the horne whom the Gairde sould be chairged to tak, [and] to tak thair houssis and intromet with thair guids, that they sould pay xxs. in the day to ilk persone of the Guairde during the tyme of thair remayning in thair houssis keipand the same, Home, spous to Mr James Home of Eccles, wes called before the Counsall for that effect, and, compeirand, wes decerned to pay xxs. to ilk ane of the Gairde for ilk day that thay remained in hir house and awaited upon the thresching owt of hir cornis. Haddington MS. Excerpts. Fol. 341, a.

[Geddie against Milburne.]

The Captane of the Guard ordained to apprehend Walter Geddie, citiner of Sanct Androis, for not payment to William Milburne in Leith of 750 merks. Skene Abridgment.

[Gordon of Strathdown and spouse against Crichton of Cluny.]

Alexander Gordon of Stradowne, and dame Agnes St Clair, Countess of Erroll, hes ane action against Sir Robert Creichtoun of Clunie [? for] having reft and tane fra James Ramsay, nottar, a discharge for 500 merks without payment of the said soume; and, he having persewed him thairfoir and referring it to his oath (not having any other probation), he denyis the lybell and is assoilzied.

[Sir Harry Lindsay to be apprehended.]

The Captane of the Guaird ordained to apprehend Sir Hary Lindsey of Carreston, fiar of Kinfawnes, for not payment of a civill debt.

[John Brown and Patrick Robertson.]

John Broun, goldsmith in Edinburgh, ordained to be wairdit in the tolbooth thereof, and Patrik Robertson, burges of Aberdein, ordained to be denuncit, for attacking the wyffe and servant maid of Edward Johnston, younger, merchant in Edinburgh, in order to deflowr them,—he being in company with them himselfe, whom thai woundit [see *ante*, p. 49].

[The Guard.]

Robert Hepburne of Aulderstoun is Livetennent of his Majestie's Guard 22 [? 23rd] May 1605.

Margaret Mackay against Thomas Gibson for debt.

The King's letters raised at the instance of Margaret M°Kay, servitor to the late Johnne Andro, writer, complaining that Thomas Gibsoun in Duchallie, who had been put to the horn upon 22nd March last for not paying her 47 merks 6s. 8d. as principal and £10 as expenses, conform to his obligation and to decree of the Lords of Council, still remained at the horn, charge had been given him to answer this day, viz., 23rd May.—Pursuer appearing by Mr George Bonyman, her procurator, but the defender failing to appear, the Lords ordain the Captain of the Guard to apprehend the defender, eject his family furth of his houses, and make inventory of his goods. Recovered Fragments of Acta 1605–6. Page 115.

Rutherford of Murehouse against Futhie of Guynd for oppression. Decree of absolvitor.

Complaint by Mr . . . . Rutherfurd of Murehouse, to the effect that James Futhie of Gwynd, with others, came upon 31st March last to the lands and dwelling house of Murehouse, as also to dwelling houses of Andro Stevinsoun, tenant to the complainer of his said lands, ejected him and his goods, and wounded him in divers parts of his body, avowing to have his life if he were ever found there again.—Both parties appearing, the Lords assoilzie the defender, because Rutherfurd has failed to prove his complaint [the connection here broken, six folios of the Register being wanting]. Page 116.

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Sederunts, Fol. 40, b.

Sederunt—Comissioner; Chancellor; Neubottle; Balmerinoch; Scone; Bishop of Glasgow; Dunkeld; Halirudhous; Privy Seal; Justice Clerk; Advocate; Quhutinghame; Craustounriddell; Brintiland; Clerk of Register; Sir George Douglas; Elimosinar; Johnne Arnott. 30th May.

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Recovered Fragments of Acta 1605–6 Page 129.

Charge had been given to Lowrence Johnnstoun and David Farquhar to answer to the complaint made against them; and now, the pursuer appearing by Robert Kirkwode, writer, his procurator, but the said defenders failing to appear, the order is to charge the Captain of the Guard to apprehend and enter them, take their houses and eject their families furth thereof, and make inventory of their goods for his Majesty's use. Decree against Laurence Johnston and David Farquhar for disobedience.

"Forsamekle as the Lordis of Secrite Counsale ar suirlie informit that of lait thair is sindrie pairtis within the schirifdomes of Roxburgh and Peblis visite with the contagious seiknes of the pestilence and that thair is some suspitioun of the same seiknes within the toun of Airth and uthiris pairtis of this cuntrey, sua that the resorte of people frome these infectit and suspect pairtis to the burgh of Edinburgh, quhilk is the ordinar place of the Counsale and Sessioun for administratioun of justice to the subjectis of the cuntrey, may produce some danger and infectioun within the said burgh, and thairby stay and imped the ordinair course of justice within the same,—to the hurte and prejudice of all estaittis of personis within this kingdome,—unles God of his mercie have a cair and regaird of the preservatioun of the said burgh, and that sic ordinarie and lauchfull meanis be used quhilkis at Godis pleasour may prevent and stay the course of the seiknes in this burgh: Thairfore the Lordis of Secrite Counsall ordanis and commandis the provest and bailleis of Edinburgh and the Cannogait to appoint sufficient nomberis of personis to watche and [keip] thair poirtis, and to suffer na maner of personis to have entres or [acces] within thair poirtis or townis bot sic personis as hes sufficient [testimoniallis] frome the townis and pairtis quhairfra they come that thair is na infectioun in thay pairtis. And siklyke ordanis letters to be direct to command, chairge, and inhibite all and sindrie personis inhabiting within the townis or places of this kingdome quhair thair is ony infectioun of the pestilence that they on nawyse presume nor tak upoun hand to resorte or repair to the burgh of Edinburgh or suburbis thairof, sa lang as the said infectioun remanis amangis thame, undir the pane of deid; as alsua to command, chairge, and inhibite all and sindrie personis duelland in ony uthir pairtis of this kingdome that they on nawyse repair to this burgh without sufficient testimoniallis frome the townis and pairtis that they come fra that thair is na suspitioun nor infectioun of that seiknes amangis thame, undir the pane to be debarrit fra entrie within this burgh: certifeing all sic personis quha sall want sufficient testimoniallis that they sall not have acces within this said burgh." Act to prevent the pestilence, now existing in Roxburgh and Peebles and elsewhere, from spreading to other parts, and especially from reaching Edinburgh.

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Complaint by Robert Wilsoun, writer, that, though William Gordoun of Dynnimad had been put to the horn on 13th May 1603, for not pay- Robert Wilson, writer, against William

Gordon of Dinniemad for non-payment of debt.

ing to him, as assignee to his brother, George Wilsoun, £300 due as part of £1000 incurred by Gordoun for contravening an act of law-burrows found by him to his said brother, as specified in a decree obtained against him of date 22nd July 1598, as also for not paying complainer £22 for expenses of plea and collector's silver in the said suit, yet Gordoun still remains at the horn.—Charge had been given to Gordoun to answer this penult day of May, under pain of being dealt with by the Captain of the Guard; and now, the pursuer appearing by [here follows a large gap in the Register, 30 folios being wanting]. Recovered Fragments of Acta 1605–6.

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30th May. [George Rollock.]

George, eldest lawfull son of umquhill Sir Walter Rollok off Gairdin, ordained to be apprehendit for a civill debt. Skene Abridgment.

[Archbishop of Glasgow.]

John Spottswood, Archbishop of Glasgow, admittit Councillor, conforme to the King's letter.[1]

Ralston contrair presbiterie of Paislay: Pairtie sould not be compelled be the presbiterie to give hir aith, bot onlie hir declaration, in ane sclander for adulterie.

Ralston, spous to Logane of Rais, being dilated and cited be the presbiterie of Paislay for adulterie, and upon thair tryel being repute giltie and being urged to give hir aith upone the fact, whilk she refusand to do, and thay intending to proceid to excommunication, she suspended, becaus she could not be compelled to sweare upon hir awin turpitude, nather could thay proceid to sik ane precognition as, gif she wer acquit be thame, sould not be ane liberation to hir from farder persute before the Justice; and, gif she wer forced be the presbiterie to grant and mak hir repentance, [it] wald be ane necessar cause to fyle hir be ane assyse.—The said Ralston compeirand, as also Maisters Andro Knox and Johne Hay for the presbiterie, thay alledged that be the Act maid anent notour adulteraris the Kirk had power to urge the pairties to purge thameselfis be thair aithis, and, gif thay failled, to excommunicat thame. Notwithstanding whairof, efter reasoning of the mater, the Lords of Secret Counsall suspended the letters simpliciter, and fand that the presbiterie could not compell hir to give hir aith nor excommunicat hir for not geving thairof, and could proceid na farder bot to urge hir to ane grant or denyall. Haddington MS. Excerpts. Fol. 341, a.

May 1605. Ratification of the erection of ane new kirk.

Ratification be the Lords of Secret Counsall of the Act of the Generall Assemblie anent the erection of the New Kirk of Portencraig in ane parochin, and annexing dyvers lands thairto, and dismembering the same from the parochin of Luchares. Fol. 345, a.

Cunyiehouse of Edinburgh, 1st June.

Sederunt—Chancellor; Neubottle; Scone; Halirudhous; Privy Seal; Advocate; Collector; Johnne Arnot. Sederunts, Fol. 40, b.

[1] This admission of the celebrated John Spotswood into the Privy Council deserves to be noted. He was now about forty years of age, and had been Archbishop of Glasgow for about two years, after having been parish minister of Calder since 1586. See vol. vi. p. 569, footnote. He was the third of the new regular or diocesan prelates admitted into the Council,—his clerical predecessors in this honour being David Lindsay, Bishop of Ross (vol. vi. p. 187), and George Gledstanes, for a while Bishop of Caithness, but now Archbishop of St Andrews (vol. vi. p. 484).

Haddington MS. Excerpts, Fol. 345, a.

Assay tane of the box of the cunyiehous and reported to the Counsall, as also ane assay tane be command of the Counsall of the standard piece sent from the maisters of his Majesteis mint at London to the officiares of this cunyiehous. Essay box and standard piece.

[Same proceeding given more at large in the *Skene Abridgment* thus :—]

Skene Abridgment.

"The quhilk day convenit in the cunyiehous of Edinburgh, Alexander, Earle of Dunfermling, lord high chancellor, Mark, Lord of Newbottle, David, Lord Scoon, comptroller, John, Commendator of Halyrudhous, Sir Richard Cockburne of Clerkingtoun, lord privy seale, Sir Thomas Hamilton of Monkland, knycht, lord advocat, Mr John Prestoun of Fentounbarns, collector, John Arnot, thesaurer depute, and Sir Archibald Naper of Edinbillie, knycht, commissioners ordanit be the Lords of Secret Councill for trying of the assay underwrittine. Befoir quhom the master cunyeer and utheris officiars of the cunyiehous presentit the assay box of the lait gold of sex and 3 lib. peices, and of the silver of merk pieces, half merk peices, 40 and 20d. peices. Quhilk box being oppenit in presence of the saids commissioners, they fand the particular peices of gold and silver underwrittine within the same, viz., 25 peices of gold,—quhilks agreit in number with the particular jornayes specifeit in the wardans buiks. Quhilks peices being meltit and cassin in lignet, the linguat weyit out of the fyre ane unce and 10 grayn weicht, and, the said linguet being tryit be the fyre, the Lords fand the same to be of the fynnes of 22 carrettis and ane graine. *Item*, ther wes found in the said essay box 50 peices essay of silver, quhilks aggreit in number with the particular jornayes specifeit in the wardans buiks; and, the same peices being meltit and cassin in linguat, the lingno out of the fyre [? weyand] 2 unce and 14 drap weicht, and the same lingnet being tryit be the fyre, the Lords fand the same to be of the fynes eleven deneirs a grain and ane quarter. The standard peices of silver, bearing date the 19th of November 1604,—quhairof ane peice weyand 6 unce and 22 deneirs wes delyverit to John Arnot, thesaurer-depute, and the uther peice thairof, weyand 9 unce and 5 drop weycht, wes delyverit to Thomas Achiesoun, master cunyeor,—being tryit be the fyre, the Lords fand the same to be of the fynes of eleven deneirs and ane graine. The standart peice of gold, bearing date the 19th of November 1604 years,—quhairof a peice weyand 3 unce and 9 deneirs wes delyverit to John Arnot, thesaurer depute, and ane uther peice weyand 2 unce and 15 drape weycht wes delyverit to the master cunzear,—being tryit be fyre, the Lords fand the same to be halfe a graine Scottis under 22 carrettis. The Lords ordainis the generall of the cunyiehous to take ane new assay of the standard peice of gold and to report to them the fynes thairof. Alswa, the saids Lords ordanis the 2 standart peices of gold and silver quhilks were found havie to the master cunyeor to be put in the assay box." The essay tane of the essay box.

Sederunts, Fol. 40, b.

Sederunt—Commissioner; Chancellor; Uchiltrie; Scone; Master of Elphinstoun; Bishop of Ros; Bishop of Dunkeld; Halirudhous; 4th June.

Constable of Dundee; Lourestoun; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Sir George Douglas; Elimosinar; Johnne Arnott.

4th June. Great seill to be renewed. Privie seill and signet renewed.

Command gevin to renew the great seill, with the armes of Scotland, Ingland, and Ireland quartered thairin. Haddington MS. Excerpts, Fol. 345, a.

The lyke ordonance anent the privie seill and signet.

[Particulars of same proceedings given in the *Skene Abridgment* thus :—]

[New great seal.]

The Kings letter approveing of the making of the new great seale and ordering the old one to be destroyed. And the Chancelor is ordained to keip the new one besyde himselfe, and sall have and carry befoir him to all Councill and other honourable and publict meittings, as a speciall mark of the Kings favour to him, and in respect quhairof the 1st place in all sick meittings nixt to the King or sic as represents his persone is due to him, be reason of the authoritie of the said great seale, quhilk euer sould be befoir him. Skene Abridgment.

Warrand for deliverie of the privy seale and signett.

The Lords of Secret Councill ordains and commands Thomas Fowllis to delyver the new privy seale and the twa signettis to John Arnot, thesaurer depute, to the effect he may delyver the same to the ordinar officiars quha aucht to have the same; and, the same sealls being ressavit be the said John Arnot, the saids Lords ordains and commands him to delyver thaim to the saids officers, and to ressaue fra them the auld seals and signets, and to brek and destroy the same, quhairthrow the same be na forder usit heirafter.

5th June. Inglish pylles and tursells.

Warrand for ressait of the Inglis pylles and tursellis, and for trying of the Scottis and Inglish pylles. Haddington MS. Excerpts, Fol. 345, a.

[These two warrants given at length in the *Skene Abridgment* thus :—]

Edinburgh. Warrand for the resset of the Inglish pyllis and tursellis.

The Lords of Secret Councill gives and grants full power and commission to John Arnot, thesaurer depute, and Sir Archibald Naper of Edinbillie, knycht, to ressave the pyllis and tursellis laitlie send hame from England, and the puncheons for making of ma pyllis and tursellis, quhilks ar particularlie exprest in ane inventar subscryvit be Robert Jowssie at command of George, Lord of Berwik, and to delyver the same pyllis, tursellis, and puncheons for making of ma pyllis and tursellis, to Thomas Foullis, sinker of his Majesties irine; quhom the saids Lords ordaines to ressave the same, to be usit be him as the dewtie of his office in sic caices requireth. Skene Abridgment.

Warrand for trying of the Scottis and Inglish pyllis.

The Lords of Secret Councill gives and grants full power and commission to John Arnot, thesaurer depute, Thomas Achiesoun, master of his Majesties cunyiehous, and Thomas Fowllis, sinker of his Majesties irnis, to convein and meit in his Hienes cunyiehous with Sir Archibald Naper of Edinbillie, knycht, generall of the said cunyiehous, at sic day as he pleis appoint, and thair to sie the said Archibald try the Scottis pyllis and weycht, and the Inglish pyllis of weycht latilie send hame from

Skene Abridgment.

Ingland, gif the same correspond and be aggrieable to the weychts ressavet and delyverit betuixt the said Sir Archibald and Sir Thomas Knyvet, wardane of his Majesties mynt within his Hienes Tower of London; and, being found aggrieable, that thai delyver the same to the said Sir Archibald, to the effect he may subscryve the bill indentit send hame to him to be subscryvit upon his ressett of the saids pyllis.

Edinburgh, 6th June. Proclamation for conveining of the Estaites.

"Forsamekill as the Lords of Secret Councill hes thocht meit and expedient that the conveining and meitting of the Estaites quha are come heir to this present Convention salbe in the laich councill hous of the burgh of Edinburgh this present day at 2 hours at afternoon: Thairfoir the saids Lords ordanis heraulds, massers, pursevants, and others officiers of armes to pass to the mercate croce of Edinburgh and the Cannogaite, and thair be open proclamation to make publication of the premisses, quhairthrow nane pretend ignorance, and to convein all noblemen, prelats, and comissioners for the barrons and burrows, and all others who are written for and come heire to this Convention, that thai convein and meitt in the said councill house this present day at 2 hours afternoon, with intimation as effeirs."

Edinburgh, 7th June. Convention of the Nobilitie, Councill, and Estaites.

Sederunt—Montrois, Commissioner; Chancellor; Huntley; Angus; Argyle; Erroll; Marshall; Mortoun; Marr; Glencairne; Linlithgow. LORDS: Lindsay; Glames; Flemying; Uchiltrie; Saltoun; Maxwell; Oliphant; Newbottle; Spynie; Culross; Master of Elphingstoun. PRELATES: St Andrews; Glasgow; Dunkeld; Ross; Orknay; Galloway; Ilis; Aberdein; Caithnes; Dumblane; Halyrudhous; Blantyre; Tungland. OFFICERS OF STATE: Secretary; Comptroller; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Elimosinar. BARONS: Edzell; Quhittinghame; Constable of Dundie; Sir Robert Melville, elder; Sir Robert Melvill, younger; Lawriestoun; Kilsyth; Bass; Wauchtoun; Kinnaird; Bogy; Dunypace; Glengarnok; Luss; Badinhaith; Wedderburne; Easter Moncriefe; Drummelyear; Leyis. COMMISSIONERS OF BURGHS: Roger M^cNaught, George Herriot,—Edinburgh; Gawin Dalyell, Perth; Mr Alexander Wedderburne Dundie; Archibald Alexander, Striveling; George Lockhart, Air; . . . ., Glasgow; Hary Cockburne, Hadingtoun; Andro Ker, Linlithgow.[1]

[Acts of the Convention.]

In the foirsaid Convention of Estaits, quhich sate only one day, viz., the 7th of June 1605, whaireunto , Earle of Montrois, wes commissioner,

[1] This sederunt is also recorded in the *Book of Sederunts* (Fols. 40, b,-41, a), where Mar is entered before Mortoun, Privy Seal before Justice Clerk, Constable of Dundee before Quhittinghame, Bass before Lawriestoun.—This Convention of Estates took the place of a Parliament which had been summoned for the same day (June 7, 1605), but which, after being formally constituted, was prorogued, without transacting any business, to the 26th November following. See *Acta Par. Scot.*, IV., 276.—For a very important letter from the King addressed to the Estates, in anticipation of their present convention, see among *Royal and other Letters*, under date "Whitehall, 11th Feb. 1605."

the Acts following were made :—(1) Anent the cloath manufactorie, (2) anent the fishing, (3) against transporting nolt and sheep, (4) against exportatione of barked leather, (5) anent the pryces of buits and schon, (6) anent weights and measures, (7) anent the pryces of horse meat, (8) anent beggars, (9) anent noblemens wynes. Skene Abridgment.

Ane Act in favours of the nobilitie anent the impost of their wynes.

Item, anent the complaint made in name of the noblemen, barons, and gentlemene, complaineing that thai and the merchants fra quhom thai bought thair wynes for furnishing of thair awn housses were troublit be the customers for payment of the new impost of 14 lib̃s. for every tunn of thair said wyne, albeit the same impost wes speciallie dischargit to thaim be Act of Secret Councill. For remeid quhairof the Estaits declairs, statutes and ordaines that, in caice any custumaris sall after the publication heirof wrangouslie take fra ony merchant the said new impost of 14 lib̃s. for ony wyne to be sauld be thaim to noblemen, barons and gentlemen, for furnishing of thair awn housses, that the custumar swa doing sall incurr the pain of 100 lib̃s. for the impost of every tun of wyne that [he] sall sa wrangously take as said is, the ane half of the said pain to his Majestie and the uther halfe to the pairtie greivit; provyding alwyse that the nobleman, baron, and gentlemans ticket upon the quantitie of the wynes ressavit be him, subscryvit be himselfe and the merchant, conforme to the Act made thairanent, be presentit and producit to the said custumar within that same year that the wynes as said is them.

[The *Haddington MS. Excerpts* give the Acts of this Convention as follows :—]

Clotherie.

The Estaitis thinkis meit that the airt of clotherie be brocht in and interteined in this cuntrey, and that the first offer thairof he maid to the bourrowes; who not accepting or not prosecuting the same, that it sall be granted to uther undertakars, with all privileges and liberties requisit for furtherance thairof. Haddington MS. Excerpts, Fol. 345, a.

Busche fischeing.

Act anent the urgeing the bourrowes with undertaking of the busche fischeing, and, in caice of thair refusall or sleuth, that ordour may be tane be the Estaites.

Nolt and scheip.

Act aganis the transporting of nolt and scheip.

Barked ledder.

Aganis exportation of barkit ledder.

Buittis and schone.

Act anent the pryces of buittis and schone, to be set downe be the magistrates of burrowes and ane or twa gentilmen of the schyre.

Weghtis and measuris.

[Act] anent weights and measouris, ordaning the Act of Parlement maid thairanent to be put to execution betuix and the xx day of September.

Cordonars sould not buy tanned ledder.

That na cordonaris within burgh tanne ledder, nor na tannares of ledder within burgh have libertie wourk the same. Fol. 345, b.

Pryces of hors corne and strae.

That magistratis of bourrowes set yeirlie downe pryces upon horss, corne and straa.

Maisterfull beggars.

That all maisterfull and strong beggaris fund efter the tuentie day of August nixt may be tane be any man, and, being broght to any sheref, bailyie of regalitie or burgh, and, gettand thame declairit maisterfull beggaris, may set his burning irne upon thame, and reteane thame as

Haddington MS. Excerpts.

slaves; and, gif any of thame thairefter escaipe, the awner may have repetition of thame as of uther gudes.

That nobilmen and gentilmen sall have the wynnes boght be thame for thair owne houses frie of the new impost of xiiii pundis for ilk tunne upon thair ticket and the merchantis.[1] Gentilmens wynnis frie of impost.

Skene Abridgment.

Sederunt—Montrois, Commissioner; Chancellor; Huntly; Angus; Argyle; Erroll; Marshall; Morton; Marr; Glencairne; Linlithgow; Flemying; Glammis; Lindsay; Uchiltrie; Oliphant; Saltoun; Maxwell; Newbottle; Scoone; Torphichen; Culrose. Eodem die [7th June] Consilium.

"Forasmekill as, our Soveraign Lords predicessors of maist famous memorie haveing a speciall regaird that thair high court of Parliament sould be honourit with all schaws of magnificence and state quhilk to the majestie of sic a high judgment appertenit, they thairfoir statute and ordanit that all Earls and Lords repaireing to the court of Parliament sould have and use at the same thair mantilles and robs furred and lyned in maner specifeit in the said Act,—quhilk Act ressauit execution mony years: Therfoir, and now that lovable, comelie, and maist decent custome being come in dissuitude, to the grit disgrace of the majestie of the Parliament, it has pleasit our maist gracious Soverane Lord, upon the lyke regairde and consideratione of the honor of that court, to recommend to the nobilitie presentlie assemblit the renewing of the said decent and maist lovable custome of wearing of robs at the nixt ensewing Parliament. Quhairunto the nobilitie present, for his Majesties obedience and satisfaction, and for the gritter magnificence, honour, and majestie of the said high court of Parliament, hes with all due reverence yeildit and consentit, and ordanis the same to be observit in all Parliaments heirafter; and thairfoir the Nobilitie and Councill ordanis letters to be direct to make publication heirof be open proclamation at all mercate croces neidfull, quhairthrow nane pretend ignorance of the same, and to warne all and sundrie Duks, Marquesses, Earls, and Lords, quha sall happen to repair to the nixt ensewing Parliament, that thai be preparit thaimselfis in due tyme with thair Ane Act anent the haveing of robs at Parliaments.

[1] In a notice of this Convention of Estates Spotswood (p. 490) gives some further account of its proceedings. Having given an abstract of the Royal Letter to the Estates mentioned in last footnote, he adds,—"This was the substance of the letter; which the Chancellor having resumed, and thereunto added many perswasions for the following of those wholesome and profitable counsells, the Estates did expresse a great forwardness that way, and after a long deliberation condescended upon divers good acts, which if they had been all carefully put in practise, as they were wisely devised, the Kingdome had long before this time tried the benefit thereof. Amongst other directions, *the removing of the barbarous feuds* was recommended to the Councell; whereof they were desired to make a roll, and urge the parties to reconcile; and, if they refused, then to assure them to the peace, and commit them to ward till the same was secured. And, whereas the custome had been to cause parties *assure one another*, the King did prohibit the same as a thing dishonourable and arguing too great presumption in the subject, seeing the Law should be to every man a sufficient assurance. The Councell, reverencing his Majesties direction, did ordain that course from thenceforth to be observed, and all assurances to be taken *for the peace* thereafter, and *not of one party to another.*"

robs,—viz., the Duks, Marquesses, and Earls with reid cramsie velvit robs lyned with quhyte armings and taffety, and the Lords in reid scarlet robs lynit after the same fashion,—to the effect thai may ryde and sit thairat in this Parliament, and that be thair habite thai may be known from uthers of meaner and inferior ranks: with intimation as effeirs." Skene Abridgment

Abbotshall and James Boiswall chargit to waird.

The Lords of Secret Councill considering the grite contempt done be the Laird of Abbotshall, on the ane pairt, and James Boiswall, brother to the Laird of Balmuto, on the other pairt, in making of ane commotion and trouble within the burgh of Edinburgh at the tyme of the Convention: therfoir the saids Lords ordanis thaim baith to be comittit to ward within the Castell of Edinburgh, thairin to be detenit upon thair awin expenssis quhill thai be fred be the saids Lords. Lykeas thai wer comandit to enter in thair said ward this present day afoir 12 hours, and thair warrands for thair ressait in the said waird wes delyverit to thaim.

Edinburgh, 11th June.

Sederunt—Commissioner; Chancellour; Huntly; Erroll; Marshall; Marr; Linlithgow; Balmerinoch; Glamis; Lindsay; Uchiltrie; Scoone; Master of Elphingstoune; Bishop of St Andrews; Bishop of Glasgow; Bishop of Ross; Dunkeld; Halyrudhous; Blantyre; Edzell; Constable of Dundie; Lauriestoun; Sir Robert Melvill, elder; Sir Robert Melvill, younger; Quhittinghame; Justice Clerk; Privy Seal; Advocate; Collector; Clericus Registri; Sir George Douglas; Fostersait; Elimosinar; John Arnot; Sir Michaell Elphingstoun.

The Lord Maxwells aggriement with Johnstoun.

The quhilk day, in presence of the Lords of Secret Councill, compeared personally John, Lord Maxwell; and, for obedience and satisfaction of the Kings Majestie, and for performance of the promise maid be him to the saids Lords anent ane aggriement and reconciliatione with Sir James Johnstoun of Dunskellie, knycht, he friely took the said Sir James be the hand and remitted all rancour, hatred, and malice quhilk he or ony others for quhom he is obliged to answer be the laws of this realme, acts of Parliament, and general warrand, and quhom he may stop or lait, had, hes, or may have against the said Sir James, his kin, friends, men, tennentis, servants, assistaris, dependers, and pairtakers, for the slauchter of umquhile John, Lord Maxwell, fader to the said John, now Lord Maxwell, or for ony uther slauchters or mutilations quhilks ensewit, happenit, and fell out therupon: lykeas the said Lord, for himselfe, and takand the burding on him as said is, subscryveit ane letter of slaynes heirupon to the said James and his forsaidis.[1]

Mr John Forbes and Mr Charles Fernie, ministers, commissionat fra presbytrie of Aberdein for comoning with George, Marques of Huntly,

[1] According to Spotswood, in the passage cited in last footnote (*ante*, p. 58), this reconciliation of Lord Maxwell with the Laird of Johnstone was the first exertion of the Council in carrying out the new policy for the extinction of feuds. "Beginning being made with the Lord Maxwell and the Laird of Johnston," says Spotswood, "they were moved to joyn hands and reconcile in presence of the Councell."

Skene Abridgment.

anent his religion, and thai having reported him to be of a contrair religion to the establisht one, he is therupon cited before the Councill, quhair he solemnlie denyit what the ministeris had reported, and therupon is assoilzied.

Letters at the King's advocats instance against the magistrates of borrows anent haveing sufficient prissons for deteineing of prisoners; and, if within a year after the daite any of thair tolbooths sall not be sufficient, every contraveineing burgh to pay 1000 lib.

Sederunts, Fol. 41, b.

Sederunt—Commissioner; Chancellor; Errole; Mairshaell; Lynlithqu; Fleming; Uchiltrie; President; Lowdoun; Scone; Bishop of Glasgow; Bishop of Dunkeld; Bishop of Ros; Master of Elphinstoun; Edzell; Constable of Dundee; Quhittinghame; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Kilsyth; Fostersait; Elimosinar; Johnne Arnott. Edinburgh, 13th June.

Skene Abridgment.

Charge against Ilismen.

"Forsamekill as David, Lord of Scoone, comptroller to our Sovereigne Lord, is directit be the Kings Majestie and Lords of Secret Councill to repair towards Kintyre for ressaveing of the obedience of the principalls of the Clannis within the south Ilis, and suirtie for payment of his Majesties mailles, rents, and dewties: Therfoir the Lords of Secret Councill ordaines letters to be direct chargeing Angus M°Coneill of Dunyvaig, Angus Oig M°Coneill, his sone, Archibald Dow M°Coneill of Giga, M°Coneill of Largy, Hector M°Claine of Dowart, Hector M°Clayne of Lochbowy, Lauchlane M°Clane of Coill, M°Kynnoun of Strathardell, M°Neill of Barra, Mr Lauchlane M°Clayne, father brother to the said Hector M°Clayne of Lachbowy, Joannais M°Alaster, tutor of Loupe, Duncan Stewart of Appin, Allane M°Coneill Dowy, John M°Eane Oig of Glenco, M°Gilleane of Ardnamurchin, M°Allaster of Loupe, and Allaster M°Donnald of Capech, to compeir personally, and to bring, present, and exhibit with thaim thair richtis, rentalls, infeftments, tacks, and securities, quhairby thai or any of them clames rycht, tytle, or kyndnes to any of his Majesties lands in the Ilis and Hielandis nixt adjacent, befoir the said David, Lord Scoon, comptroller, att Loch Kilkerrane in Kintyre upon the 20 day of July nixt to come, and thair to rander thair obedience to him in name of his Majesties Councill, and find caution for thankfull payment of his Majesties maillis, ferms, and dewties: with certification to them that failyies and randers not thair obedience to the said Comptroller that not only sall thair infeftments, rychts, and titles be declarit null, bot with that thai salbe persewit immediately thairafter with fyre and sword as rebells and traitors to his Majestie and to the countrey."

Proclamation for the Ilis.

"Forsamekill as David, Lord Scoon, comptroller to our Soveraine Lord, is directit be the Kings Majestie and Lords of his Secret Councill to repair towards Kintyre for ressaveing the obedience of the principalls of the Clannis of the Islis, and persute with fyre and sword of all sick persons

as sall ly out or will not compeir and rander that obedience, conforme to the charges to be execute against them to that effect: Quhairfoir necessar it is, for the better furtherance and execution of this his Majesties service, that his Hienes said Comptroller be accompanyit with a force of his guid and loving subjects; And thairfoir ordains letters to be direct to command and charge all and sundry earls, lords, barons, frielialders, and landit gentlemen within the bounds of the shreffdomes of Dumbartane and the 7 kirks of the Lennox quhilks of auld were annexit to the said shreffdome of Dumbartane, Air, Renfrew, and bailliarie of Cuninghame, Kintyre, Ergyle, and Tarbet, alsweill within regalitie as ryaltie, togither with the inhabitants of the burrowes of Glasgow, Air, Irving, Renfrew, and Dumbartane, that thai and everie ane of thame, weill bodin in fear of warr in thair maist subsiantiall and weirlyke maner, and with 40 days victualls and provision after thair comeing to Kintyre, address themselfis to convein and meit the said Comptroller at Loch Kilkerrane upon the 15 day of Jully nixt, and fra that to attend, await, and accompany the said Comptroller, and to follow his direction in all things twitching the persuite of sic persons as sall kyth rebellious and disobedient, under the pain of tinsall of lyfe, lands, and guidis." Skene Abridgment.

[Warrant to apprehend Lady Borthwick and others.]

Dame Grissel Scott, Lady Borthwick, ordained to be apprehendit for not payment to Robert Abercrombie, burges of Edinburgh, of 143 lib. The Captane of the Guaird ordered to apprehend John Dalrymple of Stair, as cautioner for his brother James to John Mairtine, tailleor in Edinburgh, for 400 merks. Dame Elizabeth Baillie, spous to Sir Robert Hamiltoun of Goslingtoun (he is designed Silvertounhill on the margine), as executor to William Baillie, Lord Provand, president of the colledge of justice, gets orders for the Captane of the Guaird to apprehend Adam, Commendator of Cambuskenneth, for a debt.

[Without date, but apparently belonging to the same day, the *Haddington MS. Excerpts* give the following :—]

Tombe blamed as idolatrous.

The Laird of Badinhaith being ordanit and chairgit be the presbiterie of Glasgow to demoleis the tomb erected be him in his ile of the kirk of Lenzie under the payne of excommunication, [and] having suspendit and chairgit thame to compeir before the Counsall, the Lords gave commission to my Lords of Glasgow and Blantyre to visite and report, and in the mentyme ordanit the excommunication to cease. Haddington MS. Excerpts, Fol. 345, b.

18th June.

Sederunt—Chancellor; Errole; Mairshaell; Glammis; Elphinstoun; President; Bishop of St Andrews; Bishop of Glasgow; Bishop of Dunkeld; Master of Elphinston; Privy Seal; Justice Clerk; Advocate; Collector; Loureistoun; Sir George Douglas; Foistersait; Elimosinar; Johnne Arnott. Sederunts, Fol. 41, b.

Edgell and Pittarro: Parentis warided for not

Efter the combat in Edinburgh betuix young Pittarro and Mr Alexander Lindsay upon the xvii day of Junii, upon the morne thairefter auld Pittarro and his sone, and my Lord of Edgell, being called before the Haddington MS. Excerpts, Fol. 341, a.

Haddington MS. Excerpts.

Counsall,—becaus thay were directed be my Lord Chancelaris message, be his servands send to thame, to keip thair housses and conteane thair bairnes thairin, and that thair not obeying and doing thairof gave occasion of the skaith and slauchter that followed, thairfore thay were commanded to enter in the Castell of Edinburgh, and, furth thairof, Pittarro elder and younger to the Blaknes, and Edgell to Dumbartane. taking ordour with thair children to stay tumult as thay wer commanded be the Counsall.

[In the same case of the street combat between the young Laird of Edzell and his accomplices and the young Laird of Pittarrow and his accomplices.] That same day, or the nixt day thairefter, upon the Lord of Edgellis supplication, bearand that he wes informed that the Lords, having respect to the slauchter of William Guthrie, servitour to Pittarro, had comanded him to wairde, albeit he understude the said Guthrie to have ressaved na wounds, bot to have bene smored in the thrang, at his desyre thay send for David Pringill, that had handled him, and examined him upon his wounds, and whidder thay were deadlie or not, and also directed ane bailyie and twa uther chirugeons to visite the corps, and hard thair report,—whilk mony thocht ane strange and extraordinar forme.

[The same and other proceedings of the same day are given in the *Skene Abridgment* thus :—]

Skene Abridgment.

There haveing a tuilyie fallen out betuixt Sir David Lindsay of Edzell, John Straquhan, tutor of Thornton, and thair sons, servants, &c., on the ane pairt, and Sir John Wisheart of Pittarrow, thai are ordered to prison in Dumbarton and Blackness. And George Straquhan, brother to the tutor of Thorntoun, Mr Alexander Lindsay, son to the Laird of Edzell, John Lindsay, appeirand of Boirland, Mr John Lindsay, brother to Dunrod, George Lindsay, brother to Covingtoun, William, brother to Alexander Lindsay of Kildrymmie, John, his brother, Mr Patrick, son of Patrick Lindsay, burges of Dundie, David Lindsay, apparent of Vayne, and Alexander Lindsay, younger of Kethick, on the ane pairt, are ordained to be denuncit for not compeiring to answer for the said tulyie. And Mr James Wisheart, son to Pittarro, Alexander and George Wishearts, brether to Pittarro, and Robert Collace, on the other pairt, and quho did compeir, are ordained to keip waird within thair lodgings quhill fred be the Councill. And, farder, David, Master of Crawfurd, Alexander, Lord Spynie, Forbes of Corsindae, Wood of Balbegno, on the ane pairt, Andro Gordon of Cluny, Sir Robert Dowglas of Glenbervie, William Forbes of Monymusk, and his eldest son, Dowglas of Tulliquhillie, Erskine of Pittodrie, Andrew Murray, apparent of Cowbardie, on the uther pairt, ordained to keip thair ludgeings, under pain of rebellion. [1] [The same case of young Edzell and young Pitarrow.]

[1] The tulyie or street-fight, which is the subject of these three entries, made a great stir at the time. From contemporary accounts, we learn that it was fought at the Salt Tron in Edinburgh between nine and eleven o'clock at night on the 17th June 1605, the principals on the two sides being Mr Alexander Lindsay, son of Sir David Lindsay of Edzell, and Mr James Wishart, son of Sir John Wishart of Pitarrow. Sundry on both sides were hurt; and one of Pitarrow's retinue, named William Guthrie, described as "ane very pretty young man," was slain. As the Council were then pledged by the King's directions to peculiar strictness in dealing with feuds, such an affair could

[Commendator of St Colme.] Hary, Commendator of St Colme, ordered to be apprehendit for not releeving James Lindsay of Dovehill of 9000 merks, for quhich he wes cautioner for him and James, Earle of Murray, to Robert Flesher, merchant in Dundie. Skene Abridgment.

20th June. *Sederunt*—Chancellor; Angus; Errole; Mairshaell; Mar; Elphinstoun; Newbottle; President; St Androis; Glasgow; Ros; Dunkeld; Blantyr; Haliruidhous; Constable of Dundie; Quhittinghame; Loureistoun; Bruntiland; Privy Seal; Justice Clerk; Advocate; Collector; Foistersait; Sir George Douglas; Sir Michaell Elphinstoun; Elimosinar; Johne Arnott. Sederunts, Fol. 41, b

Proclamation for deserting of the Assemblie [of the Kirk appointed to be held in Aberdeen]. "Forsamekill as, albeit the Kings Majestie hes signified his will and pleasure that his Hienes cannot be resolved anent the Generall Assemblie upon the approaching Parliaments, and, the Parliament being endit, that his Majestie will have occasion to direct the moist expedient in that matter for the weill of the Kirk, neuertheles the Lords of Secret Counsall is informed that in this meantyme ther is a Generall Convention and Assemblie of the ministrie appointit to be halden at the burgh of Aberdein in the moneth of Jully nixt to come, quhairin ane number of the ministers of this realme intends to be present, his Majestie being noewyse acquentit nor made foirsein thairof, not yit his Hienes consent and allowance being had and obtenit to that effect, according to the lawes, Acts, and constitutions made thairanent, and to the custome observit heirin thir mony years bygane: quhairby the Kings Majesties directions and commandments in this matter will be violat, hichlie to His Majesties offence and contempt of the law, without remeid be provydit. Therfoir ordains letters to be direct to command and charge the haill ministers quha sall happin to convein at the said Assembly, personally gif thai can be apprehendit, and be oppen proclamation at the mercate croce of Aberdein, that thai suffer the said Assembly to desert, repair euerie ane to his awn dwelling and charge, and that thai on nawyse presume nor take upon hand to convein or assemble thaimselfis togither in ony place for keiping of the said Assemblie, under the pain of rebellion and putting of them to the horne: with certification to them that failyies that thai shall be denuncit rebells and put to the horne. As alswa to comand and charge the provost and baillies of Aberdein that thai suffer na sic Assemblie, convention, or meitting of the ministers to be keipit within thair toun, as the said provost and baillies will answer to his Majesties Councill upon the dewtifull discharge of thair offices."[1] Skene Abridgment.

not be passed over; and, as the entries show, the fathers of the two young culprits-in-chief, and the families and their friends on both sides, were held responsible. This was the more remarkable because one of the fathers, Sir David Lindsay of Edzell, was himself of the Council. His son having disappeared, with most of his associates, after the tulyie, Sir David was left to bear the brunt on that side. The younger Wishart had remained to share punishment with his father; and most of the others on the same side seem also to have remained to take their chance.

[1] To understand the significance of this order of Council, one has to remember the

Skene Abridgment.

Nicoll Ramsay of Cockpen against James Creichton, apparent of Bruntstoun.

Haddington MS. Excerpts, Fol. 346, a.

22nd June. Hadington poistmaisters injunctions, and caution for keiping thairof.

Band be Alexander Simsoun, poist master of Hadingtoun, and his cautioners, to observe the Counsallis injunctions:—To wit, to hald continuallie thre gude horses for the King's packetts allanerlie; to keip ane autentik register of the moneth, day, and houre of the resset and direction of the packetts; that he sall have two ledder baggs for caireing the packetts, and twa hornis; that whan thair gyddis runis thay sall sound thair horne thryse at least ilk houre; that thay sall dispatche the packet within ane quarter of ane houre at the maist efter thay ressave thame, and fra the first of April to the last of September sall run thairwith sex myles at the least in the houre, and in winter fyve mylles in the houre; that he sall be answerable for his poist boys and servands that they sall delyver na by letters sufferit to run with the packet whill the packet be first delyverit; that thay sall reddelie serve all sik as hes commission aither with thair awin horsis or with the cuntrie horsis to be soght be thame with all diligence: under the payne of ane thousand punds.[1]

Sederunts, Fol. 42, a.

25th June.

Sederunt—Chancellor; Angus; Erroll; Mar; President; Scone; Privy Seal; Justice Clerk; Collector; Clerk of Register; Bruntiland; Sir George Douglas; Elimosinar.

. . . . . .

excitement there had been among the Scottish clergy for nearly a year in consequence of the prorogation by royal authority of the General Assembly of the Kirk which, by statutory appointment, should have been held at Aberdeen in July 1604, and the fears entertained by the Presbyterians that this prorogation indicated an intention on the King's part to discontinue General Assemblies of the Kirk altogether, and manage the Kirk in future by purely Episcopal methods (see *ante*, p. 14, footnote). These fears had been calmed to a considerable extent by assurances from Chancellor Dunfermline and others of the Councillors, and also by reports of his Majesty's own words on the subject to Mr John Forbes, minister of Alford in Aberdeenshire, who had gone to London in March 1605 as a delegate from the clergy of those northern parts to represent matters to his Majesty. It was fully understood that there would be a General Assembly at Aberdeen in July 1605, to satisfy the country for the prorogation of that which had been called for the preceding July. According to Calderwood (vi. 279), the Laird of Lauriston, the King's chief Commissioner for Kirk matters, and those of the clergy who were in conclave with him as being of that standing Council of the Kirk which bore the name "The Commissioners of the General Assemblie," had "writtin to all the Presbytereis for keeping of a Generall Assemblie at Aberdeen the secund of Julie. The missives directed to the Presbytereis, subscribed by Richard Thomsone, clerk to the Commissioners of the Generall Assemblie, differed in the day. In the missives directed to the north was appointed the *secund* day of Julie; in the missives directed to the south the *fyft* day. This was done of purpose." Whether Calderwood is right in this particular or not, certain it is that, after many of the Presbyteries had elected their representatives for the Assembly, the instructions from the King were that no Assembly should be held. Hence the present order of Council, and also a more private letter of the same date, addressed by the Council to the clergy, and to be delivered to them at Aberdeen by the Laird of Lauriston, which will be found among the *Royal and other Letters* in this volume. The consequences, as will soon appear, were to be unusually serious.

[1] The notice of this band in the *Skene Abridgment* makes the principals in the band to be Alexander Simpson, burges of Hadingtoun, and George, his son."

Certain burghs summoned to answer for the insufficiency of their prisons: Rule of Council on the subject.

[Fragmentary conclusion of an Act relating to the appearance before the Council of commissioners from certain burghs. Among these are] Johnne Smyth and George Cunynghame, bailies of the Cannogait, appearing for the said town, Patrik Broun, appearing as commissioner for the provost and bailies of Haddingtoun, and George Baillie, appearing as commissioner for the bailies of North Berwik.—Which commissioners, and the others, having declared that their tolbooths were sufficient for the custody of prisoners, the Lords rule that, if within a year the tolbooths of any of the burghs and towns foresaid shall be found insufficient, the burgh or town so offending shall incur a fine of £1000 to his Majesty.

Recovered Fragments of Acta, 1605-6. Page 191.

The Lord Maxwell's letter of slains to the Laird of Johnstoun.

"The quhilk day, in presence of the Lordis of Secrite Counsale, compeirit Mr Lowrence M^cGill, advocat, as procuratour for Johnne, Lord Maxwell, and gaif in the letter of slanes undirwritten, desyreing, &c.; off the quhilk the tennour followis:—Be it kend till all men be thir present letters me, Johnne, Lord Maxwell, for myselff and takand the burding upoun me for all sic personis for quhome I am obleist to ansuer be the lawis of this realme, Actis of Parliament, and generall band, and all utheris quhome I may stop or lat, at the speciall command of the Kingis Majestie, my gratious Soverane, and for performance of my promeis maid to the Lordis of his Majesteis honnorabill Prevey Counsale, to have frelie remittit and forge[ven], and be the tennour heirof frelie and frome my hairt, of deliberat purpose, remittis and forgevis, all haitrent, rancour, [malice,] grudge, and querrell, invy and evill will, quhilk I or my [forsaids] had, hes, or may have, against Sir James Johnnestoun [of Duns]kellie, knycht, his kin, freindis, men, tennantis, servandis, assistairis, dependairis, and pertakeris, for the slauchter [of][1] umquhill Johnne, Lord Maxwell, my fader, and for all uthiris slauchteris, mutilationis and insolenceis, quhilkis ensewit and followit thairupoun, and all actioun criminall and civile quhilk may result thairupoun. Lykeas I, for myselff and takand the burding upoun me as said is, have acceptit, and be thir presentis acceptis, the said Sir James and his forsaidis in hairtlie love and favour, as gif the saidis slauchteris had nevir fallin out. And, for the mair securetie, I am content and consentis that thir presentis be actit and registrat in the buiks of Secrite Counsale, thair to remane *ad futuram rei memoriam*, and for registrating heirof constitutis Mr Lowrence M^cGill, advocat, my procuratour, &c. In witnes quhairof I, for myselff and takand the burding upoun me as said is, have subscryvit thir presentis with my hand at Edinburgh the ellevint day of Junii the yeir of God j^m vi^c and fyve yeiris, before thir witnessis,—Johnne, Erll of Montroise, lord commissionair, Alexander, Erll of Dumfermeling, lord heich chancellair, George, Marques of Huntley, Frances, Erll of Erroll, George, Erll Marchell, Johnne, Erll of Mar, Alexander, Erll of Linlithgow, Lord Glammis, Lord Lindsay, James, Lord of Balmerinoch, Andro, Lord Stewart of Uchiltrie, David, Lord of Scone, Mr George Gledstanes, archibischop of St Androis, Johnne, archibischop of Glasgow, David,

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[1] The words in square brackets are supplied from the *Skene Abridgment*.

Recovered Fragments of Acta, 1605-6.

Bischop of Ros, Petir, Bischop of Dunkeld, Waltir, Priour of Blantyre, Johnne, Commendater of Halyruidhouse, Sir Richart Cokburne, lord prevey seill, Sir Johne Cokburne of Ormestoun, lord justice clerk, Sir Thomas Hammilton of Bynnie, lord advocat, with diuers utheris of the Lordis of his Majesteis Prevey Counsale:—*Sic subscribitur*, J. Maxwell."

Page 220.

Lord Maxwell against the Laird of Johnstone for alleged breach of assurance: Defender acquitted.

Charge had been given to Sir James Johnnstoun of Dunskellie to enter this day, viz. 25th June, Cristie Armestrang of Barnegleis, to answer to the complaint by Johnne, Lord Maxwell, that he had come to the said Lord's lands of in March last, assaulted his ploughmen, put his plough off the ground, cut his sacks, and scattered his corns across the fields,—thus causing a break of the assurance between the said Lord and Johnnstoun, as the Act dated 7th instant bears.—Johnnstoun appearing and entering Cristie, and Lord Maxwell being represented by Harbert Maxwell of Cavenis, his procurator, and the latter having referred the wrong to Cristie's oath, and Cristie having sworn by his great oath that, having found some of Lord Maxwell's servants tilling part of the lands of Darduling, belonging to him in tack, "with a wand quhilk he had in his hand he chaissit thame and thair horse af his ground," the Lords [only the following words legible in the first part of the decision]. . . . "Erll of Dunfermeling, lord chancellair . . . . Johnne, Lord Maxwell, consignit in the letter . . . . him to the said Sir James Johnnstoun and his freindis, to have remanit in the said Lord Chancellairis handis quhill the exhibitioun of the said Cristie in manner specifeit in the said Act, to deliver the same letter of slanes [ante p. 63] to the said Sir James Johnnstoun to be usit be him as his awne proper evident and write in tyme coming." They also declare that the crime of which Cristie is accused infers no break of the assurance against Johnnstoun, and therefore exoner Johnnstoun of the same for ever, inasmuch as he has entered Cristie to answer for his own deed, not because Cristie is his man, but only in obedience to the Act foresaid.

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Edinburgh, 27th June.

Sederunt—Alexander, Earl of Dumfermling, lord chancellor; Angus; Erroll; Mar; Newbotle; Balmerinoch; Spynie; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Halyruidhouse; Blantyre; Justice Clerk; Privy Seal; Collector; Advocate; Constable of Dundie; Quhittinghame; Kilsyth; Master of Elphingstoun; Sir Michaell Elphingstoun.

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Gordon of Strathdon against William Grant and others for not refunding certain violent profits and not removing from his lands.

Complaint by Alexander Gordoun of Stradoun, heritable . . . . lordship and barony of Strathowne, in the shire of Banff:—Although, upon 1st and 8th February 1604, James Gordoun in Auchdregin, Findla Ferquhersoun in Auchriochane, William Gordoun in Dalmoir, William Grant in Over Downane, Johnne Grant in Innerchibbet, Williame Grant there, and Alexander Gordoun, sometime in Downane, now in Watirnadie, had been put to the horn for not paying pursuer certain violent profits for lands of his occupied by them, and for not flitting from the said

lands of Over Downane, Nether Downane, Over Drymmen and Creuchlie, conform to a decree obtained by him against them, yet the said rebels continue at the horn.—Charge had been given to them to answer this day under pain of being dealt with by the Captain of the Guard. Pursuer appearing by Robert Hammiltoun, but none of the defenders, the order is to charge the said Captain to apprehend and enter them, eject their families furth of their houses, and inventory their goods for his Majesty's use. Recovered Fragments of Acta, 1605-6. Page 194.

John Walkinshaw and Dorothy Cochrane against the presbytery of Paisley for proceedings against them for alleged adultery.

Complaint by Johnne (? Robert) Walkinschaw, son of Johnne Walkinschaw of that Ilk, and Dorathie Cochrane, alleged spouse of Frances Cochran of Pitfour:—The ministers of the presbytery of Paislay have charged them to "mak thair repentance for the cryme of adulterie allegeit committit be thame," under pain of excommunication. Now, the pursuers are altogether innocent of the said crime; there has been no trial of it either before the justice general or before the commissaries of Edinburgh, who are the only judges competent; and, if complainers made such repentance, they would assume the guilt, and thus furnish a case against themselves before the criminal judge. The said Dorathie was never lawfully married to the said Frances, and kept no "company" with him after the said pretended marriage, and has raised an action for nullity of the same before the commissaries of Edinburgh; and, till decree be pronounced in this action, the said presbytery ought to be discharged from all farther proceedings against complainers.—Dorathie appearing personally, and the other complainer by Robert Urie, but no one appearing for the defenders, the Lords do discharge the presbytery accordingly.[1] Page 195.

Mr John Ker against Thomas Hay of Scrogs for not paying certain teinds.

Complaint by Mr Johnne Ker, minister at Lyn:—Although, upon 27th July 1598, Thomas Hay of Scrogis had been put to the horn for not paying complainer seven bolls of teind meal yearly from 1593 to 1597 for the teinds of the lands of Scrogis, and for not paying the teinds of the vicarage of the said lands during the said years, and although, upon 29th . . . . 1602, William Cokburn [of Hinder]land had been denounced for not paying complainer £100 for his stipend furth of the parsonage and vicarage of Hinderland during the years specified in the letters directed thereanent, yet the said rebels remain unrelaxed.—Charge had been given to Hay to answer for his disobedience; and now, pursuer appearing by Robert Hammiltoun, his procurator, but Hay failing to answer, the order is that the Captain of the Guard apprehend Hay, remove his family furth of his houses, and make inventory of his goods for His Majesty's use. Page 196.

Thomas Kirkpatrick, younger of Closeburn, to be denounced for assault on Thomas Gilchrist.

Complaint by Thomas Gilchrist, sometime in Lyning and now in Clinstoun:—Thomas Kirkpatrick, apparent of Cloisburne, having conceived deadly hatred against him and having long sought an opportunity for his slaughter, had, upon . . . May 1604, come to his dwelling house in Lyning and chased him to the water of Neth. For safety of his life, he "wes forcit to tak the said water and to waid into his schoulderis," when the said Page 197.

[1] The *Skene Abridgment* gives an abstract of this case under date 25th June.

Recovered Fragments of Acta, 1605-6.

Kirkpatrik "raid in on horsbak to the said complenair, and thair maist schamefullie and unhonestlie persewit him with ane drawin sword, and hurte and woundit him in the heid and arme."—The pursuer appearing, the defender, for not appearing, is to be denounced rebel.

Decree against James Crichton for not paying a debt to John Carmichael.

Complaint by Johnne Carmichaell, tailor, burgess of Edinburgh, that James Creichtoun, son natural of Sir James Creychtoun of Frendraucht, who had been denounced rebel upon 27th March 1604 for not paying pursuer £113 as principal and £20 for expenses, conform to his obligation, remains at the horn unrelaxed.—The pursuer appearing, but not the defender, the Captain of the Guard is ordered to apprehend defender, remove his family furth of his houses, and inventory his goods for the King's use.

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John Stewart against Campbell of Lochnell.

Action by Johnne Stewart, merchant, burgess of Perth, assignee to James Stewart of . . . . , sets forth that upon 21st . . . . Campbell of Lochinzell, as principal, and . . . . of Ragray, as surety [a gap here extending to five folios; after which comes a fragment of record of an action against George Stewart and others, so imperfect that it would be unintelligible but for a supply of the defect noted *infra*, pp. 71–74].

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Page 210.

Ramsay of Balmain against Robert Stewart and others for spulyie.

Complaint by David Ramsay of Balmaine:—Upon 24th September 1603, Robert Stewart *alias* . . . . M^cHerie in Drumnapark, Johne Roy in Baluachandich, Johnne Donnald there, Thomas M^cInteir in Balvalgleich, James Stewart there, and Johne M^cThomas there, came at night to the lands of Finglenny in Glendy, and reft four score . . . . belonging to the pursuer, who had sent them for pasturing to James Dolas in Fenglenny. The complainer had apprehended his said goods in the possession of the defenders; but, though he has oft [follows a gap of one folio].

. . . . . .

Page 213.

Robert Bultie to be apprehended.

[Imperfect record, concluding that] the Lords of Secret Council ordain the Captain of the Guard to apprehend "the said Robert Bultie," remove his family furth of his houses, and inventory his goods for his Majesty's use.

Patrick Lawrie sues certain persons for unjust pursuit of him as a warlock.

Complaint by Patrick Lowrie in Haleyis, as follows:—Johnne Wallace of Craigie, bailie of Kyle-Stewart, on the one part, and Williame Cunynghame of Caprington, the pursuer's master and baron of Capringtoun, on the other part, alleging that he is a "warloch, sorcerar, and abusar of the people," seek his wreck and disgrace. Cunynghame, as his master and under pretext of a commission of justiciary from his Majesty, has apprehended him; and Wallace, under colour of his office of bailie, has intromitted with his whole goods. As both claim the right to try him, the one as bailie of Kyle-Stewart and the other as justice and baron of Capringtoun, he has been for a long time detained prisoner and his trial postponed,—albeit he is quite innocent of the said crime, and is willing to be tried before the justice general or any other unsuspect judge. Neither of the said persons can be thus unsuspect, for "his maister hes ane ee to his rowme," and, under colour of law, intends to escheat the same, and the other wishes to have the privilege of his trial so as to be able to dispose of his goods.—Cunynghame appearing and presenting Lowrie, and Wallace being also present, there are produced (1) the said commission of

Page 214.

justiciary, of date at Edinburgh 28th July 1603, granted to the Laird of Capringtoun to apprehend the said Patrick "as suspect giltie of witchcraft," (2) the extract of a process under the subscription of George . . . . bearing that the said Patrick . . . . "fra his Majesteis laws in a justic . . . . of Kyle-Stewart haldin in the toun . . . . Wallace of Monktounhall, baillie" [a gap of a folio in the Register]. Recovered Fragments of Acta, 1605-6.

. . . . . .

Earl of Argyle against MacLaren for resetting MacGregors: Protest for the defender.

The Earl of Ergyle has charged . . . . M°Larrane to appear before the Council this day, viz., 27th June instant, to answer for his resetting the following and others of the Clan Gregour upon day of in his own house in Blarquharry,—viz., Duncan Phadrik Aldoch, Patrik M°Gregour, his brother, Johnne M°Eanes in Glenogill and Braggane M°Gildoych, and also for passing with them to the dwelling house of M°Gillip in , and taking away the whole goods in the said house.—The Earl not appearing, M°Larrane, being present, protests that he shall not be held to answer farther till again warned; and the Lords admit the protest. Page 217.

Delivery of Castle of Dunivaig to lieutenant of King's guard.

Order to charge Angus M°Coneill of Dunnyvaig and all other keepers of the Castle of Dunnyvaig to render the same to Robert Hepburn, lieutenant of the King's Guard, and to remove therefrom within six hours after the charge, under pain of treason.

Charge for delivery of lumfads, boats, &c., to the Lieutenant of the Guard in his expedition against the West Isles.

"Forsamekle as the Lordis of Secrite Counsale hes directit Robert Hepburne, Lieutennent of his Majesteis Gaird, towardis Kintyre and the west Ilis, for the executioun of sindrie directionis committit to his credite and diligence, tending to the advancement of our Soverane Lordis authoritie and service within the saidis boundis, for the bettir furtherance of the quhilk service, and for staying the transporting and eschaiping of sic fugitives and lymmairis as sall ly out and refuse to rander thair obedience, necessair it is that the haill limfaddis, boittis, and birlingis within the saidis boundis of Kintyre and west Ilis be in the power and possessioun of the said Robert, to be usit be him as he sall think maist expedient; and thairfore ordanis letters to be direct to command and chairge the haill inhabitantis of Kintyre and west Ilis to rander thair haill limfaddis, boittis, and birlingis to the said Robert Hepburne, and that nane of thame presume to retene and keip ony lumfaddis, boittis, or birlingis, bot sic as sal have speciall pouer and command frome the said Lieutennent, within thrie dayis nixt efter the chairge, undir the pane of tressoun,—with certificatioun to thame that failyeis that they salbe persewit as traittouris and rebellis, and as hinderars of oure Soverane Lordis authoritie and service with all rigour." Page 218.

Proclamation for the West Isles

"Forsamekle as, albeit proclamationis wer maid and publeist of before chairgeing all and sindrie erlis, lordis, barronis, frehalderis and landit gentilmen within the boundis of the sherfdomes of Air, Renfrew, Dumbertane, Bute, Ergyle, and Tarbett, baillierie of Cunnynghame, with the inhabitantis of the burrowis of Glasgow, Air, Irwing, Renfrew, and Dumbertane, to have convenit and met David, Lord of Scone, Comptrollair, at Loch Kilkerran in Kintyre upoun the fyftene day of Jullii nix to cum, and to have

Recovered Fragments of Acta, 1605-6.

attendit and awaittit upoun him with fourty dayis victuallis and provisioun efter thair comeing to Kintyre, and to have followit his directioun in all thingis tending to the furtherance and advancement of His Maesteis authoritie and service, undir the pane of tinsale of lyff, landis, and guidis,—lykeas a nowmer of the inhabitantis of the Ilis ar chairgit to gif thair personall compeirance before the said Lord Comptrollair upoun the twenty day of the said moneth of Jullii nixt,—nochtwithstanding, the Lordis of Secrite Counsale, for some speciall considerationis, and for the bettir enabling of the said Lord Comptroller substantiouslie to prosequute this service for his Majesteis honnour and weill of the countrey, hes thocht meit to prorogat and continew [the] expeditioun unto the xxv day of the said moneth of Jullii nixt to cum. Therfore ordanis letters to be direct to mak publicatioun heirof be oppin proclamatioun at all places neidfull, quhairthrow nane pretend ignorance of the same, and to command and chairge all and sindrie erllis, lordis, barronis, and landit gentilmen within the boundis abone specifeit, togidder with the inhabitantis of the burrowis foirsaids, that they and everie ane of thame, weill bodin in feir of weir in thair maist substantious and weirlyke maner, and [with 20] dayis victuallis and provisioun efter thair comeing [to Kintyre], addresse thameselffis to meit the said Lord Comptroller [at] Lochkilkerrane, and to attend and await upoun [him during] the space foirsaid, undir the pane of tinsale [of lyfe, lands] and guidis; as alsua chairgeing the haill per[sons quho wer] ordanit to gif thair personall compeirance the [said 20 day] of Jullii that they compeir the said twenty [fyfth day, under] the pane of horning."[1]

Page 219.

Charge to the Earl of Glencairn to render the house of Duart

"Forsamekle as James, Erll of Glencairne, be his band subscryvit with his hand, beiring date the twenty sex day of August last and actit and registrat in the buikis of Secrite Counsale upoun the fourt day of September last, actit, band, and obleist himselff to mak the house of Dowart furthcumand to his Majestie and his Counsale, and to caus the same be deliverit quhenevir he sould be lauchfullie chairgit to that effect upoun twenty dayis wairning, as he wald ansuer to his Majestie upoun his dewtie and allegeance, as his band maid be him thairupoun beiris: thairfore the Lordis of Secrite Counsale ordanis letters to be direct chairgeing the said Erll to rander and caus the said house of Dowart be randerit and deliverit to Robert Hepburne, lieutennent of his Majesteis Gaird, or to sic utheris as salbe directit be David, Lord of Scone, Comptroller, with his pouer and commissioun to ressave the same, and that the haill personis being thairintill remove thameselffis furth thairof within twenty dayis nixt efter the said Erll beis chairgit thairto, as he will ansuer to his Majestie upoun his obedience and allegeance."

Warrant for pressing of mariners.

"Forsamekle as, David, Lord of Scone, his Majesteis Comptrollair, according to his Heynes speciall directioun and comandiement, being in reddynes to repair towardis Kintyre and utheris pairtis of the south and west Ilis, accumpanyed with some forceis of his Heynes pecieable and gude sub-

[1] The words enclosed within square brackets are taken from the *Skene Abridgment*.

jectis, for reduceing of those rebellious pairtis to his Majesteis obedience, the said Comptroller, for his bettir expeditioun and furtherance in this service, and for the transport of sic necessaris as in this service wilbe requisit, hes frauchtedd ane schip to attend and await upoun him during the haill tyme of the said service: quhairfore necessar it is that the said schip be providit with a sufficient nowmer of gude, able maryneris to serve at his Majesteis chairges in the said schip: Thairfoir ordanis letters to be direct chairgeing the provest and bailyeis of Glasgow, Air, Irwing, Renfrew, and Dunbertane that they and everie ane of thame within thair awne boundis concur and assist sic of his Majesteis officeairis and servandis as salbe directit with thir presentis to make a presse of maryneris for his Majesteis service, and to caus the maryneris quha salbe pressit to serve upoun his Majesteis chairgeis and expenssis, as the saidis provest and bailyeis will ansuer to his Heynes and his Counsale upoun thair obedience at thair heichest perrell." Recovered Fragments of Acta, 1605–6.

[The defects of the record for this day, as thus derived from the Recovered Fragments of the original Acta, are supplied as follows from the *Haddington MS. Excerpts* and the *Skene Abridgment*:—]

Lord Inchechaiffray contrair William Murray: convocation.

In ane action persewed be my Lord of Incheffray aganis William Murray, brother to Abercairnie, and ane great number of Abercairnies tennentis for convocation, to the number of thrie scoir persones with halbardis, lang staffes, etc., and demoleissing ane house and fauld dyke, albeit thay alledged that thay did it for interruption and menteaning of thair possession, whilk thay laufullie and lang bruked. Notwithstanding whereof, becaus the interruption sould have bene be ane notare and witnessis in quyet maner, and sould have bene done before the hous and dyke had bene compleit, thairfore, in respect of the convocation and doun-pulling of the house and dyke, the Counsall fand thay had done wrang, and ordaned the said William Murray to enter in wairde in the Castell, and Finla Schearer, ane uther of the defendares, in the towbuith. Haddington MS. Excerpts. Fol. 341, a.

Grierson of Lag and others.

John Kirkpatrick of Friercarse having a seat in the Kirk of Dunscore quhich belonged to him and predicessors for 8 or 9 score of years, and Sir William Grierson of Lag having, with convocation of the ledgies, casten doun the same and built another in place thairof for his own use, he is ordained to enter prison in Edinburgh Castle; and John, son of John Kilpatrick of Ilisland, and Mathew Baillie, sister son and servant to the said John, elder, having cuttit doun and hawkt all the forsaid seat in peices,—for quhich the said John, elder, is ordained to enter prissoner in the forsaid castle [*sic*]. Skene Abridgment.

[To apprehend Duncan Campbell.]

Duncan Campbell, apparent of Glenlyon, and his associats, ordained to be apprehendit by the Captane of the Guard, for stealing fra William M°Nicoll in Little Fortre 70 head of oxen and kyne out of Rowenry in Glensche, and 44 oxen that the said William had grazeing in Glentirrie, belonging to Spalding of Eschintillie.

Skene Abridgment.

Rachael Bonar against Mr Walter Stewart and others: Bond granted for her liberty declared null.

"Anent our Soveraine Lords letters raised at the instance of Rachell Bonair, sister to James Bonnair of Rossie, and Bonair, her brother-in-law, makand mention that, quhair upon the 3rd day of June instant the said Rachell being ryding in peaceable and quiet manner, accompanyit only with Alexander Bonnar, her brother, and John M°Innan, servitor to the Laird of Gairntullie, toward the place of Drumquhallantie for viseting of her gudam, lippening for nathing less than ony harme, trouble, or injurie to have bein offerit to thaim, it is of trewth that, John Stewart, brother to the Laird of Ballachan, being advertist of the said Rachells jornay, and thinking the tyme of her ryding to the said place of Drumquhallantie maist meit for him to put his shameles determination to execution contrair the said Rachaell, the said John thairfoir, accompanyit with Patrick M°Nair in Bray of Cluny, James Robertson, *alias* Evre, thair, M°Laggane *alias* Miller, M°Claggane of the Mill of Cluny, John Reid in Miltoun of Petmatie, Henry Reid, cordinar, brother of the said John Reid, Callum Dow, cook to the Laird of Ballachin, Donald M°Ky, webster, dwelland in Ballachin, Allaster M°Archbald thair, Adam Murgesoun, M°Gillanders Toker, servitor to the said John Stewart, and Menzies in , all tennents and servants to the said Laird of Ballachin, with convocatione of his Majesties leidgies in armes to the number of 16 persones, all bodin in feir of weir with jacks, secrittis, plaitsleives, swords, durkis, bowes, and otheris weappons invasive, came to the ground of the lands appertaineing to the said Laird of Ballachan, and thair dernit thaimselfis in hir hie way, awaiting her by comeing, and, swa soon as thai persevit her comeing, they all ischit furth upon her, and, or ever she was warr of thaim, thai separate fra her said company, and violently pullit her from her horse, and with her plaid and other bands of claith preparit be thaim of purpose they band her upon her said horse againe, and caryit her as captive and prissoner with thaim to the head of Lochtay; quhair thai deteinit her in captivitie and prissoner all nycht, and pressit violentlie to have deflowrit her and bereft her of her virginitie, and upon the morne thairafter brocht her ane captive with thaim back againe to Robert Stewarts hous of Failcastell, quhair sche was keipit and detenit 2 days and 2 nigchts in straite firmance and captivitie. And, last, upon the 4th day thairafter, they caryit and transportit her as captive and prisoner with thaim to Robert Stewarts hous in Pittinnise within the bounds of Glengarry, quhair sche was maist straitlie keipit, and wold on no wyse suffer her to escape furth of thair hands quhill first thai made her swear be her grite aith and make ane solemne promise to take the said John Stewart in mariage, and thairafter, for keiping of her said promise, causit and compellit the said Patrick Blair make and subscryve ane band and obligation that the said mariage sould be accomplisht and solemnizit betuixt her and the said John betuixt and Lambmass nixt to come, under the paine of 6000 merks to be payit in caice of failyie to Mr Walter Stewart, nottar in Dunkeld, to quhom the said Patrick delyverit the said band, and quha presentlie hes the same.

Rachael Bonar against Mr Walter Stewart and others.

As alswa thai causit and compellit the said Patrick to subscryve ane other band for payment to George Steuart, brother to the said John, of the soume of uther 6000 merks, in caice that ony time thairafter complaint were made of this matter. Quhairthrow the saids persons hes comittit a maist high contempt and indignitie against his Majesties authoritie and laws, in ravisheing of the said Rachaell in maner abonewrittine, keiping and deteineing of her as captive and prisoner, she being his Majesties frie subject, and in causeing of the said Patrick to subscryve the unlawfull bands above writtine; and thairfoir thai ought not only to be persewit and punisht in thair persons and guids, bot alswa the saids unlawfull bands aught to be declarit null. And anent the charge given to the saids John Steuart, brother to the Laird of Ballachan, Patrick M°Nair in Bray of Cluny, James Robertson *alias* Ewry, John M°Claggane *alias* Miller, John Reid in Miltoun of Pitmacrie, Callum Dow M°Bayne, Donald M°Cay, wobster, Adam Murkesoun in Balyeanoch, John M°Clandres, talior, George Stewart, brother german to the said John Stewart, Henry Reid, cordiner, John Meinzies, servitor to the Laird of Ballachane, and Mr Walter Stewart, nottar in Dunkeld, to have compeared personally; as alswa anent the charge given to the saids George and Mr Walter Stewarts, in quhais favours the 2 severall bands abonewrittin were made as said is, and quha had, hes, or wilfully had put away the same, to have brocht, presentit, and exhibite the same bands befoir the Lords of Secreit Councill this day, viz., the 27 day of June instant, to have bein sein and considerit be the saids Lords, and to have heard and sein it bein foundin and declarit be the saids Lords that the saids bands were very unlawfullie socht of the said Patrick, and that he wes commpellit against his will, for procureing the libertie and releife off the said Rachaell, to have made and subscryveit the same as said is, and thairfoir the same bands to have bein decernit and declairit to have bein null and to have made na faith in judgment nor outwith at ony tyme beirafter, bot to have bein simpliciter dischargit, or else to have schowine ane cause quhy the samyne sould not have bein done, with certificatione to thaim, and thai failyiet, his Majestie and the saids Lords wold decerne in maner forsaid; and furder to have ansuerit to the said complaint and to have underlyne sic order thairanent alsweill for fynning of thaim in thair guids as punisheing of thaim in thair persons, under the pain of rebellion and putting of thaim to the horne, with certification to thaim and thai failyiet letters sould be direct simpliciter to put thaim thairto, lykeas at mair lenth is contenit in the saids letters, executions, and indorsations thairof. Quhilks being callit, and the said persewars compearand personally, and the saids Mr Walter Stewart and George Stewart being lykewyse personally present, and the haill remanent defenders being oft tymes callit and not compearand, and the saids George Stewart and Mr George Steuart being particularlie examined and demandit gif thair wes ony sic bands made in thair favours, and quhair the same bands wes, the said Mr Walter Stewart con-

Skene Abridgment.

Skene Abridgment

Rachael Bonar against Mr Walter Stewart and others.

fessit and declarit that, at the command of the said Patrick Blair, [he] made write and formit ane band, quhilk wes subscryvit be the said Patrick Blair, quhairin the said Patrick, for himselfe and takand the burding upon him for the said Rachaell, wes bund and obleist to content and pay to the said George Stewart the soume of 5000 merks money, in caise it sould happin at ony tyme thairafter the said John Stewart or his complices to be troublit, directlie or indirectly, for the cryme forsaid. Lykeas alswa he confessit and declarit that ther wes a band made to himselfe and subscryvit be the said Patrick quhairin the said Patrick wes obleist to make payment to him of the soume of 6000 merks money betuixt and the 8th day of June in the year of God 1606 years,—quhairupon he gave a bak band to the said Patrick, of the daite the 7th day of June instant, bearing that, in caice the said Rachaell sould mary and take to his [sic] lawfull wyffe [sic] the said John Stewart betuixt and the 1st day of August nixt, that then he dischargit the said Patrick and his airs of the said soume of 6000 merks money and of the expenssis specifeit and contenit in the said obligation; quhilk band and obligation he confessit and declarit that he delyverit to the said John Stewart, as alswa that he made ane assignation thairof to the said George Stewart. Quha being personally present as said is, as lykewyse examined and demandit heirupon, he confessit and declarit that the band forsaid, written and formit be the said Mr Walter Stewart, wes made to him and in his favours, he being for the tyme in Reidcastell and knawing nathing thairof, and that the said John Stewart, his brother, sent the same band to him, as alswa that the said John sent to him the band forsaid made in favours of the said Mr Walter, quhairunto the said Mr Walter made the said George assignay as said is; quhilk assignation, with the band and obligation made in the said George awn person and favours, he than instantlie producit befoir the saids Lords, and excusit himselfe anent the not production of the other band forsaid made in favours of the said Mr Walter, quhilk he grantit he had as said is, alleadging the same to be tynt. Lyke as he and the said Mr Walter confessit and declarit that thai had made na rychts, assignations, nor dispositions of the same bands, except the assignatione forsaid made be the said Mr Walter of his band to the said George as said is, and that thai sould warrand the same bands fra all others rychts, assignations, and dispositions quhatsomever made be thaim to ony persone or persons: protesting and affirming that all that wes done be thaim in that matter wes only for the reliefe of the said Rachaell and for na vther cause. And, in taiken thairof, thai than instantlie, in presence of the saids Lords, of thair awn proper and frie wills, uncompellit, renuncit, and simpliciter quyteclamed and discharged the saids 2 bands and obligations made to thaim respective of the soumes particullarlie abonespecifeit and the hail effect and execution of the same bands; lyke as the said George renuncit and simpliciter dischargit the assignation forsaid made to him be the said Mr Walter of his said band and obligation, and the haill effect and execution thairof; and thai baith band and obleist thaim to warrand the saids bands fra all uthers rychts, assign-

Rachael Bonar against Mr Walter Stewart and others.

ations, and dispositions made be thaim of the same bands to quhatsumever uthers persone or persons as said is, and that thai hade made nor sould make no uthers rychts, assignationes, nor disposition of the same in prejudice of thair present renunciatione and discharge.—Quhilk confession, declaration, and renunciation, made be the said persons in presence of the saids Lords, being heard and considerit be the saids Lords, and thai ryply advysit thairwith, the Lords of Secret Councill accepts of the renunciatione forsaid made be the saids persons of the bands, obligations, and assignations respective forsaids, and declairs the same bands and assignations to be null and to make na faith in judgment nor outwith, and discharge the same simpliciter in all tyme comeing. And, in respect the said George not exhibition and production of the bands and obligations forsaids made in favours of the said Mr Walter Stewart quhairunto he wes made assigney, quhilk he confessit and declarit to have bein in his hands as said is, the saids Lords ordains him to be committit to waird within the tolbooth of Edinburgh, therin to remaine upon his awn expenssis ay and quhill he produce befoir the saids Lords the same bands. And forder the saids Lords ordains letters to be direct to officers of armes, schereffs in that pairt, charging thaim to pass and denunce the haill remanent defenders, quha compeirit not, rebells, and put thaim to the horne and to escheat, &c." Skene Abridgment.

[To apprehend Robert Hepburn.]

Robert Hepburne, fiar of Westfortun, ordained to be apprehendit by the Captane of the Guaird for not payment to Thomas Spotswood, burges of Haddingtoun, and Jean Wood, his spous, of 7 score 12 lib.

[Arms and ammunition in Glasgow.]

The armes and ammunition, &c., that umquhill Colonell William Stewart had in his expedition against the men of Kintyre, after that service being put in the custodie of the baillies of the regalitie of Glasgow, they are ordered to delyver up the same to Robert Hepburne, livetennent of his Majesties Guairds.

[To denounce Alexander Colvill.]

Alexander Colvill, brother to the Laird of Cleish, ordered to be denuncit for cruell wounding Gilbert Adglay, servant to John Elphingston of Schank.

[The *Minute Book of Processes* gives the following memoranda collectively for the month of June 1605:—]

Scroll of remissione be the Lord Maxwell to Sir James Johnstoun for the slaughter of the Lord Maxwell. Minute Book, Fol. 8, b.

Declaratione: Mr Walter Stewart for Patrik Blair.

Testificat for the Lady Polwart to excuse her not compeirance.

Lawborrowes: Lord Lindsey against Andro Wood and utheris.

Discharge: Nicoll Persone to Johne Acheson.

Witnesses in Robert Hepburnes proces.

Act of publicatione of the day of the Justice Court to be holdin at Hawick.

Suspensione: Craigie Wallace of a commissione granted to Cunyngham of Capringtoun for trying of witches.

Minute Book.

Warrand to cite the Lords Fleming and Montrose.

Proclamatione for meiting of the Estates in the Laich Counsel Hous.

Process: Advocat against the burghes of Forfar and utheris for not keiping sufficient wardhouses.

Rebellion: James Logan against James Walker.

Rebellion: Thomas Weir against George Weir.

Letters for wearing forbidden armour: the Lord Berwick against Nicoll Steven.

Rebellion: Robert Abercromby against Grissell Scott.

Rebellion: Robert Gordon against Hew Dumbar.

Rebellion: Gavin Young against Johne Hamiltoun.

Rebellion: Elizabeth Hepborn against Hendry Douglas.

Warrant to cite Angus M^{c}Conneill and utheris to appear befor the Lord Scon in Kintyre.

Proces against Marquis of Huntlie for professing papestry.

Warrand to cite Wishart of Pittarro.

Fol. 9, a.

Warrand to cite Lindsey of Edzell touching the debat betuix him and Pittarro.

Warrand to cite James Johnstoun.

Decreit: Johnstoun of Newbie against Maxwell of Gribtoun.

Ryott: Mr Johne Johnstoun against Maxwell of Conhaith.

Ryott: Mathew Stewart against Johne For[s]lyth.

Diligence in the proces of ryott: Greirsone of Lag against Johne Kilpatrick.

Oppressione: James, Commendatour of Inchaffray, against James Murray.

Oppressione and imprisonment: Sir Walter Lindsey, etc., against Johne Rynd.

Ryott: Stevin Luifkyne against Mitchell Lillie.

Oppressione: Earl of Argyle against Duncan M^{c}Phadrick.

Recovered Fragments of Acta, 1605–6. Page 221.

Sederunt—Alexander, Earl of Dunfermling; Angus; Erroll; Linlithqu; Dumbar; Newbotle; Balmerinoch; Spynie; Scone; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Blantyre; Halyruidhouse; Quhittinghame; Cranstoun-Riddell; Privy Seal; Justice Clerk; Advocate; Collector; Sir Robert Melvill; Foistersait; Sir Johnne Skene; Sir Johnne Arnot; Elimosinar. Edinburgh, 4th July.

Page 222.

Complaint by Alexander Hutsoun in Pareis in France, and Andro Hutsoun, merchant, burgess of Edinburgh, his brother, that Mr James Stewart, brother of Patrik, Earl of Orknay, though put to the horn upon 6th June last for not paying them £500 as principal and £40 as expenses, specified in his obligation to them, continues as yet unrelaxed.—The pursuers appearing by Johnne Hutchesoun, their procurator, but the defender not appearing, there is order to charge the Captain of the Guard to apprehend him, remove his family furth of his houses, and inventory his goods for his Majesty's use. Decree against James Stewart for non-payment of debt to Alexander and Andrew Hutchison.

Decree against Forrester of Strathendy for non-payment of a debt to James Ramsay.

Similar decree against Thomas Forrester of Strahanrie for not appearing to answer to a complaint of James Ramsay in Kinglassie, at whose instance he had been denounced upon 13th March last for non-payment of a debt of £40 as principal and £6 as expenses, conform to a decree given by the commissaries of Sanct Androis upon 7th March 1604. Recovered Fragments of Acta, 1605–6.

Protest in favour of Alexander Cuthbert of Brachlie.

Alexander Cuthbert of Brachlie appears and gives in a copy of the letters raised at the instance of Robert Dumbar of Burgie, charging him to enter M^cTomas M^cVane in Braky, his servant, to answer for coming at night in November 1600 to the lands of Burgie, and there reiving ten score of oxen and kye and 40 horses and mares, and treasonably raising fire and destroying ten score bolls of bear and eight score bolls of oats,—all the said goods belonging to Dumbar.—And now, Dumbar not appearing, Cuthbert protests that he be not held to answer farther till newly warned. The Lords admit the protest. Page 223.

Robert Dunbar of Burgy against certain Highlanders, for spuilyie, fire-raising, and slaughter.

Complaint by Robert Dumbar of Burgie, as follows :—Arpitell Doles, Alexander Doles of Cantray's man, Johnne Glas M^cCoull in Little Camlethtoun, Ewne M^cHoustoun Beig in Bellinokane, Ewir M^cEwir in Boith, Duncane M^cEwir there, Findla Moir Caddell, Johnne M^cComes Caddell, Johne M^cWaltir, elder, and Johnne M^cWaltir, younger, Coline Campbell of Boith's men, with Hutcheoun Doles and Waltir Ros M^cHutcheoun, all armed with bows, darlochs, and two-handed swords, came in November 1600 to the pursuer's town and lands of Burgie and there committed the crimes mentioned in the immediately preceding complaint, and also slew Alexander Anislie in Burgie and George Greve, his servants. The accused being "brokin and disordourit hieland men," pursuer can get no redress unless their said masters enter them before the Council.—Charge had been given to the said persons, men and masters, to answer, under pain of rebellioun; and now the pursuer . . . . and the said Coline Campbell being . . . . who for obedience [follows a gap of three folios in the Register]. Page 224.

[Tolbocths.]

The tounis of St Androis, Coupar, and utheris anent thair tolbuith. Sederunts. Fol. 42, a.

[Glasgow.]

Charge for randering of certane corslettis in Glasgow.

Schirefdome of Dumbarten exemed [from the expedition to the Isles], they furneissing men.

Act in favour of the sherefdome of Dumbartane, ordaning thame to be frie from going to the Iles, thay furneissand ane hundreth men under waiges for the space of fourtie dayes to that service, and sik as will not aggrie to the lifting and waidging of these men shalbe subject in personall service thamselfs. Haddington MS. Excerpts. Fol. 346, b.

[Dallas of Cantray to be denounced.]

Alexander Doles of Cantray ordained to be denuncit for not presenting Arpitell Doles, his man, tennent, &c., quho [had] stolen goods fra Dunbar of Burgie. Skene Abridgment.

Mr James Dunbar of Tarbet against Dallas of Cantray for spulzie, fire-raising, and slaughters.

"Anent our Soveraine Lords letters raised at the instance of Mr James Dunbar of Tarbet and James Dunbar of Pennyk, makand mention that quhair Hutcheon Doless and Henry Doless, men, tennents, and servants to Alexander Doless of Cantray, with uthers thair complices, being all bodin in feir of weir, come upon the day of October 1601 years to the lands of Meikle Pennyk perteining to the said James Dunbar, and thifteously reft,

Skene Abridgment.

staw, and away-tuike furth thairof 34 heid of kyne and oxen, worth the peice, 12 horse and meirs worth the peice, 60 heid of gait and sheep, price of the peice , perteining to the said James Dunbar, and being in his possessione for the tyme pasturand upon his saids lands, togidder with the haill insicht and plenishing of the said toun, estimat worth 500 merks. And siclyke, upon the penult day of September 1600 years, the saids persons forsaids come to the lands of Sanquharr perteining to the said Mr James Dunbar, and thair treasonablie and awfully causit fyre, brunt and destroyit the tour and fortalice thairof, togither with the haill insicht and plenishing being thairintill, estimat worth 2000 merks, slew 24 goates, and reft, staw, and away-tuike ane grite number of horse and other goods and gear pertaining to his tennents of the saids lands, estimat worth 1000 merks. And siclyke the saids persons, with uthers thair complices to the number of 300 persons, come upon the day of Jully the year of God forsaid to the lands of Mundoill, pertaineing to the said Mr James, and thair maisterfully reft and away-tuke 400 sheep, 40 heid of kyne and oxen, perteining to him and his tennents of the saids lands, togidder with the haill insicht and plenishing of the said toun and lands, estimate worth 500 merks, and schamfullie, cruellie, and unmercifullie slew umquhile Thomas Allane, Robert Bell and John Kitchaine, his tennents and servands. And siclyke the persons forsaids come in the moneth of May, June, and Jully, and upon divers days of the saids moneths, to the said Mr James lands in the Bray of Murray, and thair treasonably causit fyre, brunt and destroyit his tour and fortalice of Dumphaill, togidder with the haill insicht and plenishing being thairintill, estimat worth 4000 merks, and maist shamfullie, cruellie, and unmercifullie slew umquhill Thomas Smith *alias* Clerk, his tennent. As alswa, in the moneth of June the year of God forsaid, the saids persons come to the said Mr James lands of Glenmoir and Phekirk and thair treasonably raisit fyre, brunt, and destroyit the bigging and houssis thairof and inscht and plenishing being thairintill, estimat worth 400 merks, and reft and away tuke 80 heid of kyne and oxen, and 12 peice of horse and meirs, 40 gait, and 100 sheip, perteining to the said Mr James and his tennents, and being in thair possession for the tyme pasturand upon the ground of the saids lands, and maist schamfully, cruellie, and unmercifully slew umquhile James Young, his tennent. And, last, the saids persons come againe in the moneth of Jully 1601 years to the said Mr James lands in the Bray of Murray, and thair reft and away tuike 40 heid of nolt, 100 sheip, 40 gaite, and 12 horse, and uthers perteining to his tennents, and treasonablie raised fyre, brunt, and destroyit the said Mr James tennents housses of the saids lands, togidder with thair insicht and plenishing thairintill, pertaining to umquhill , Robertsoun his servand. Quhilks persons, committers of the particular reiffs and heirschips abonewritten, were broken highlandmen, unanswerable and obedient to justice, of quhom the saids complainers will get no redres or order of law unles thair master and landlord abonewrittine, wha, be the laws of this realme, Acts

Dunbar of Tarbet against Dallas of Cantray.

Dunbar of Tarbet against Dallas of Cantray.

of Parliament, and generall band, aucht and sould be answerable for thair entrie, present thaim personallie befoir the Lords of Secret Councill, to the effect order may be taue with them as apperteins."—And anent the charge, &c. given to the said Alexander Doless of Cantray, Hutcheon and Henry Doless, his servants, to have presentit the persons forsaids, his men, tennents, and servants, he failyieing so to doe, he and the said Hutcheon and Henry Dolesses are ordained to be denuncit. Skene Abridgment

Robert Monteith of Eagleshaw having had guids spuilyiet fra him by Patrik, Earle of Orkney, Thomas Livingstone of Banteine, his cautioner, is obleist to be apprehendit for not re-delyverie thairof.

6th July 1605. Act anent the deserting of the Convention.

The quhilk day, Alexander, Erle of Dumfermling, Lord High Chancellor, George, Earle of Dumbar, Lord Thesaurer, David, Lord of Scoone, Comptroller, Mr John Spottswood, Archbischope of Glasgow, and Mr Alexander Douglas, Bishop of Murray, being convenit in the High Councill Hous of Edinburgh, it wes thocht meit and expedient be thaim that the Convention appointit to the 8th of August nixt sall desert and not be haldin: lykeas the saids 2 Bishops promist and tuik in hand that thair haill bretheren of the Bishops within this Kingdome sall allow of the deserting of the said Convention.

9th July 1605.

Sederunt—Chancellor; Angus; Errole; Mar; Neubottle; Abircorne; Glasgu; Dunkeld; Blantyr; Halirudhous; Justice Clerk; Quttinghame; Advocate; Collector; Brintiland; Sir James Sandielandis; Sir Michaell Elphinstoun; Fostersait; Sir Johnne Arnott. Sederunts. Fol. 42, a.

Sir James Johnston against Lord Herries and Stewart of Garlies.

Sir James Johnston of Dunskellie having complained to the Councill that John, Lord Herreis, and Alexander Stewart of Garleis, had of lait given up [? friendship] with him without any just cause of offence, and thai being called thairupon, denyed that thai designed any violent deid against him, bot only that thai would not be under any familiaritie with him; quhairupon thai were both ordained to find cautione to keep the peace under paine of 5000 lib. Skene Abridgment.

Anent the Kirk of Genave.

"Forsamekill as our Soveraine Lords guide subjects, movit with compassion of the distressit estaite of the Kirk of Genave, hes verie liberallie and hartilie schawin their affection and guid will to the support and releiffe of the said Kirk be a voluntar and frie contribution, collectit and given be thaim to the ministers of thair awn kirks, to have bein sent to Henry Nisbet, collector appointit for ressaving of the said haill contribution; and, albeit the Agent and Commissionar for the Estate of Genave hes this lang tyme bigane remanit upon the resset of this contributioun, quhilk hes being sua frielie and liberallie given be the people as said is, and that the haill presbytries of this realme hes bein alseweill requeistit be missives as chargit be letters to have delyverit the same to the said Henry Nisbet: nevertheless the same contribution is very uncharitablie retenit and keipit be the ministers of the saids presbyteries, express

Skene Abridgment.

contrair to the meaning and intention of the givers of the same; quhairthrow his Majesties word given to the said Commissioner anent the assurance of the delyverie of the said contribution is lyke to be violat without remeid be provydit: Thairfoir ordains letters to be direct to command and charge the Moderators of the haill presbyteries of this realme to compeir befoir the saids Lords of Secret Councill at sic particular days as salbe appointit to that effect, bringand and produceand with thaim the haill contribution collectit and gadderit within the presbyteries, to the effect compt, reckoning, payment, and delyverance of the same may be made to the said Henry Nisbet, collector foirsaid, under the pain of rebellion, &c., with certification, &c."

[Martin of Cardon.]

George Martyne of Cardoun ordained to be apprehendit for not payment to David Colzear, servant to Sir Walter Dundas *de eodem*, of 300 merks.

[Mr Robert Howie.]

Mr Robert Howy, minister, his behaviour being to be tryit in the troubles and divisions raisit in Dundie, the baillies &c. thairof are ordered to be present at the said tryall.

Recovered Fragments of Acta, 1605-6. Page 231.

Appeal against a decree for expenses of eight persons of the King's Guard.

[Fragment of a record of an appeal, apparently of the same date, against a decree charging the appellant with the expenses of eight persons of the King's Guard who had been employed in keeping her goods.] These eight persons, she pleads, did not remain 15 day as keepers of her goods; and, while they remained, they, with their boys and horses, were "verie honnestlie and courteouslie usit and intertenyit" at the expense of her and of other persons foresaid whose goods they were also keeping, so that they needed not to contract a penny of debt during that time. She should not therefore be burdened with both their entertainment and their "extraordinair and unnecessar spending," the rather because at the same time they had their wages paid to them by his Majesty for executing the Lords of Secret Council's directions. And, even if the said eight persons had remained 30 days without entertainment for themselves and their horses, yet the whole of these charges cannot be laid upon the appellant, she being but one of the persons against whom the commission was granted, and only two or three of the said eight persons having remained as keepers of her goods, while the rest were employed as keepers of the goods of the other persons foresaid [one third of a page wanting].

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Page 232.

Haitlie, her procurator, having produced the said decree, the Lords suspend the same, and discharge the officers of arms from executing it against her, but without prejudice to the defender to pursue the cautioner who had become bound that the said escheat goods should be forthcoming to the parties having interest.

Robert Torrie against Rose of Kilravock for the entry of certain of his men accused of crime.

Complaint by Robert Torrie in Braidley:—Alexander M^cEanrie in Flichtie and Ferquher M^cInnes M^cPhersoun, both William Ros of Kilraak's men, with others, all broken highland men and sorners of clans, came upon 1st November last at night to the lands of Croftfoul and stole 15 oxen and kye belonging to complainer. The said persons being

unanswerable to the laws, the complainer can get no redress unless their said master and landlord enter them [follows a great gap in the Register extending to 10 folios]. Recovered Fragments of Acta 1605–6.

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11th July. *Sederunt*—Chancellor; Angus; Errole; Mar; Lynlythqu; Neubottle; President; Glasgu; Ros; Dunkeld; Master of Elphinstoun; Blantyr; Halirudhous; Privy Seal; Justice Clerk; Constable of Dundie; Advocate; Collector; Loureistoun; Brintiland; Sir James Sandelandis; Sir Michaell Elphinstoun; Fostersait; Johnne Arnott. Sederunts. Fol. 42, b.

Band for Brintiland anent thair tolbuith.

Band for Coupair anent thair tolbuith.

Carleill contrair Maxwell of Cavens: Scheip boght be Englishmen escheated in thair transport.

In ane action persewed be twa Inglismen of Carrleill aganes Herbert Maxwell of Cavanes for wrangous taking of certane scheip from thame, as sercheour and having commission of my Lord Comptroller to intromet with and escheit the scheip transported from Scotland to England, seing be the Unioun of the kingdoms the commerce of all thingis wes frie betuix the kingdomes, the Lords assolyied the said Harbert and fand the said scheip laufullie escheated, becaus thay wer not confiscat for execution of ony hostile law, bot becaus the Actis of Parliament maid thairanent wes maid for plenneissing of oure awin countrey, and eschewing of dearth and want of scheip and mutton in the cuntrey, whairof the cause and reason yit remained. Haddington MS. Excerpts. Fol. 342, b.

Decree against Robert Hamilton.

[To the same day, or about the same day, belongs the following imperfect record of complaint that] Robert Hammiltoun, having been put to the horn, continues unrelaxed.—The pursuer appearing, but not the said Robert, there is order to charge the Captain of the Guard to apprehend and present him, seize his houses and remove his family furth thereof, and inventory his goods for his Majesty's use. [The connection again broken, half a leaf being torn away.] Recovered Fragments of Acta, 1605–6. Page 253.

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Christie Wilson and others charged with riot and spulyie.

[Harbert and his son] having seized a number of sheep in the possession of certain men of David Armestrang of Wodhousleis which they were driving in England, and having stayed the said goods, Crystie Wilsoun in Wodhousleis, Andro and Willie Wilsones, his sons, Petir Wilsoun there, Johne Grahame in Cannanbie, Thome (? Johne) Grahame in Knotheholme, Umphra Litle, servitor to Johnne Grahame in Cannanbie, Thome Wauch and Hob Wauch in Wodhousleis, Willie Grahame, brother of Thome Grahame in Knotheholme, "raised ane schout and effray in the cuntrey," assembled their friends, and pursued the said Harbert and his son, and such as accompanied them, and violently took the said goods from them.—Charge had been given to the said Cristie and his accomplices to appear this day, viz., ... July instant, under pain of rebellion [follows another large gap of 14 folios in the Register]. Page 254.

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Sederunts. Fol. 42, b.

Sederunt—Commissioner; Chancellor; Angus; Errole; Mairshaell; Mar; Cassillis; Neubottle; President; Glasgu; Ros; Dunkeld; Blantyr; Halirudhous; Master of Elphinstoun; Constable of Dundee; Privy Seal; Advocate; Loureistoun; Sir James Sandelandis; Brintiland; Elimosinar. 16th July.

[Anent Tolbooths.]

The burrowis of Banff, Elgin, and utheris anent thair tolbuithis.

[Lindsay of Edzell.]

Skene Abridgment.

Sir John Wischart of Pittarro having raised criminall letters against Sir David Lindsay of Edzell for slaughter of Guthrie, and Edzell being wardit thairfor in Dumbarton Castell, he is ordered to be brocht fra thence to Edinburgh in order to his tryall.

Edinburgh, 18th July.

Sederunt—Commissioner; Chancellor; Angus; Erroll; Marr; Cassills; Linlythgow; Dumbar; Uchiltrie; Lowdoun; Newbottle; Balmerinoch; Master of Elphingstoun; Spynie; Bishop of Glasgow; Bishop of Ross; Bishop of Dunkeld; Halyroodhous; Blantyre; Constable of Dundie; Quhittinghame; Lawriestoun; Justice Clerk; Privy Seal; Advocate; Collector; Bruntiland; Kilsyth; Clerk Register; Sir James Sandilands Elimosinar; Foistersait; Sir John Arnot.

Fenton of Ogle against Gordon of Abergelly.

Complaint: James Fentoun of Ogil against Mr William Gordon of Abergeldie and others his associats, quho were denunceit for robing and wounding William Johnstoune, tennent to the said Fentoun.

Proclamation anent the debaitable lands betwixt Scotland and England.

"Forsamekill as it hes bein the guide pleasure of God to unite thir twa famous kingdomes in ane Monarchie under the royall croun and scepture and in the sacred persone of our maist gracious Soveraine, to the inestimable joy of the haill inhabitants of this Iland, quhairby the rememberance of all former grieffs and displeasures quhilks intervenit betuixt the 2 kingdoms, with the ground, causses and occassions thairof, are buryed and extinguished, and the inhabitants of this haill Monarchie, as members of the body and under ane supreme head, are conjoined in ane maist happy and secure peace, friendschip and brotherlie amitie; and the Lords of Secret Counsall having a speciale caire and regaird that the happie and blessed peace quhairthrow it hes pleased God, under the Kings Majesties gracious governament, to favour this land, salbe weill intertenit, foisterit and keipit, and that all occassions quhilks may procure the infringing of this happy peace salbe evited and forborne,—especiallie that na violence nor hostilitie salbe used be the subjects of this pairt of his Majesties impyre anent the mantaineing of ony of thair possessiones acclamit be thame to the lands quhilks were questionable and debeatable betuixt the 2 kingdoms for the tyme, bot that thai shall behave thaimselfis in the useing and keiping of thair possessiones as becometh modest, quiet and peaceable subjects, forbearing all violent, unlawfull, and extraordinar behaviour and proceidings in ony thair actions: Thairfoir the saids Lords of Secret Councill ordanis letters to be

direct to officiars of armes, schereffs in that pairt, chargeing thaim to pass to the mercate croces of Dunse, Jedburgh, Hawik, Kelso, stewartrie of Drumfreis, Lochmaben, and all uthers places neidfull, and thair be open proclamation in our Soveraine Lords name and authorite to command and charge all and sundrie his Majesties leidges and subjects of this pairt of his Majesties impyre that nane of thaim presume nor take upon hand unlawfullie to mantein ony of thair possessiones acclamit be thaim to the saids questionable and debeatable lands, or to ony uthers lands contravertit betuixt them and Englishmen, bot that thai behave thaimselfis all quiet, obedient and peaceable subjects, forbearing to attempt or practize any violent or extraordinar deid, unlawfullie to repair ony injurie that salbe offerit unto thaim, bot, in caise ony violence or wrang be offerit unto thaim, that thai complaine thairupon to the Counsall, and thai shall have justice ministrat unto thaim as accords, as thai and everie ane of thaim will ansuer to the saids Lords upon thair obedience at thair highest charge and perrell; certifyeing thaim that faillies that thai sall be repute, halden, estemit, persewit, and punisht as troublers of the peace of the cuntrey, and as violators of the directions and commandments of the Councill, with all rigour." Skene Abridgment.

Act for denuncing of certane ministers [for their conduct in trying to hold a General Assembly of the Kirk at Aberdeen].

"Forsamekill as, the Kings Majestie having signifyit his Hienes will and pleasure to the Laird of Lowriestoun, his Majesties Commissioner, that his Hienes, for mony grite and weichtie adoes quhilks His Majestie had in hands, could not be resolvit anent the tyme of the Generall Assembly afoir the approching Parliaments, bot that his Sacret Majestie after the Parliament wald have occassion to direct the maist expedient in that matter for the weill of the Kirk, and the Commissioners of the General Assembly having acquantit the speciall presbyteries of this realme with his Majesties pleasure in that matter, and having accordinglie requeistit them to conforme thaimselfis thairunto, nevertheles, the Lords of Secret Councill being suirely informit that some of the ministeris intendit to convein at Aberdein for halding of the said Assemblie upon the day of July instant, and the saids Lords knawing quhat prejudice sic rasche and unlawfull procedure mycht bring upon thair estatis, in respect of the high offence quhilk his Majestie wold occassione in caice they dissobeyit, the saids Lords therfoir, moved with a speciall regaird of the peace and weill of the Kirk, directit the said Laird of Lowriestoun, Commissioner, to Aberdein, quhilk wes the place appoyntit for halding of the said Assembly, to entreat the saids ministers, as alswa to cause charge thaim be letters of horning, to forbear all conveineing or keiping of ony Assemblie, bot to repair everie ane to thair awn dwelling and suffer that Assemblie to desert. Lykeas, the said Laird of Lowriestoun comeing to the said burgh of Aberdein upon the 1st day of July instant, and hearing that a certane number of the ministers were convenit thair of purpose to meit the morne theirefter for halding of the said Assembly, he thairfoir causit John Wishert, messenger, pass to the said mercate croce of Aberdein upon the said 1st day of July instant, quhair the said John, be open

Skene Abridgment.

proclamation and reading of his Majesties letters in our Soveraine Lords name and authoritie, commandit and chargit the haill ministers convenit thairin to dissolve and to repair every ane to his awn dwelling, and to forbear all conveineing and meitting in ony place to keip the said Assembly, bot to suffer the said Assembly to desert, under the pain of rebellion and putting of thaim to the horne, with certification to thaim, and thai failyiet, thai sould be denuncit rebells and put to the horne, as the saids letters, dewly execute and indorsit, beares. Notwithstanding of the quhilks letters being dewly and lawfully publisht and execute as said is, swa that nane of the saids ministers could pretend ignorance of the same, as also the said Laird of Lowriestoun having deliverit unto thaim ane missive letter for this same effect direct to thaim from the Lords of Secret Councill, quhilk wes receavit and read be thaim, it is of trewth that the persons underwrittine,—they are to say, Mr Archibald Blackburne, minister at Aberdein, Mr James Ross thair, Mr Charles Farume, minister at Fraserburgh, Mr John Forbes, minister at [Alford], Mr Robert Youngson, minister at Clet, Mr James Mylne, minister at Ardenrig, Mr Alexander Scrogy, minister at Skein, Mr David Robertson, minister at Fettir Angus, Mr Robert Reid, minister at Banchrie Taurnan, Mr James Irving, minister at Towch, Mr John Munro, minister at Ross and subdean thair, Mr John Rothie, minister at Nig, Mr William Forbes, minister at Kinbethock, Mr William Davidson, minister at Rathin, Mr Alexander Strauchin, minister at Keith, Mr John Scharpe, minister at Kilmany, Mr Robert Durie, minister at Anstruther, Mr Andro Duncan, minister at Craill,—maist unlawfullie, against the tennor of the letters and charges foirsaids, convenit and assemblit thaimselfis togidder in the session hous of the kirke of Aberdein upon the 2nd day of the said moneth of July instant, and in thair pretendit maner began thair Assembly, made indiction of ane new Assemblie, and did sundry uther things quhilkis were not lawfull to be done be thaim, violating and contraveineing thairby his Majesties direction and charges foirsaids, to the high contempt of our Soveraigne Lords authoritie and lawis. In respect of the quhich contempt and disobedience of the persons forsaids, the Lords of Secret Councill decerns and ordains the letters and charges forsaids execute against them to be put to farder execution against thaim, conforme to the tennor thairof and certification express thairin, and for that effect ordains letters to be direct to officiars of armes, schereffis in that pairt, charging thaim to pass and in his Hienes name and authoritie denunce the haill ministers particularly abonewrittine his Majesties rebells, and put thaim to the horne and to escheat, &c."[1]

[1] Here, though not till sixteen days after the event, we have the first notice of that attempt of a certain number of ministers to assert their presbyterian principles by holding a General Assembly at Aberdeen which was to be so famous in Scottish History. Notwithstanding the intimations that the Assembly was not to be allowed, and the consequent resolution of most of the presbyteries to proceed no further in the matter (*ante*, p. 62 and footnote), the eighteen ministers named in the present Act, with one more, who is not named, had met in Aberdeen to constitute the Assembly on the day for which

Commission against the Lewis.

"Forsamekill as, the Kings Majestie and Lords of Secret Councill considering the barbarous and deteastable murthers, slaughters, and others insolencies comittit be the rebellious theives and lymmers, violent possessers and inhabitants of the Lewis, quha not only hes extendit thair beastlie crueltie every ane of thaim against uthers, without respect to quhatsumever condition of persons, young or auld, male or female, bot with that thai have committit cruell and barbarous murthers and slaughters upon grite numbers of his Majesties peaceable and guid subjects quha, in thair lawfull trade or be contrarious winds, resortit amangst thaim, and in all thair actions, courses, and progress of thair proceidings thair only delyte is in blude, reift and oppression, they being Skene Abridgment.

it had been originally called, viz. the 2nd of July. The moderator of the preceding General Assembly, Mr Patrick Galloway, having made no appearance, one of the ministers present was called upon to open the meeting with prayer; after which those present unanimously elected Mr John Forbes, minister of Alford, to be their moderator, at the same time nominating Mr John Sharp, minister of Kilmany, to be their clerk. They had proceeded thus far notwithstanding that his Majesty's Commissioner, Sir Alexander Straton, Laird of Lauriston, who had been sent to Aberdeen by the Privy Council to prevent the Assembly, had already intimated his instructions to that effect, and delivered the formal letter from the Council to the assembled ministers requiring them to desist (see *ante*, p. 63, footnote, and the letter itself among *Royal and Other Letters* under date 20th June 1605). Their reason was that, as the letter was addressed to them collectively, they must constitute themselves an Assembly in order to reply to it formally; but they signified that, when that had been done, they would obey the letter, and immediately break up, without going on to any real business. The Laird of Lauriston seeming to have reluctantly acquiesced in this, or not seriously objected, and having left the assembled ministers for a while to themselves, the sequel, according to a contemporary narrative, quoted by Calderwood (vi. 279–285), was as follows:—"Which letters, and desire therein conteaned, with the sute and desire of his Majesties commissioner agreeing thereto, being rypelie considered by the said Assemblie; and [they] having weyghed the weightenesse of the effaires necessaire to be entreated, and rarenesse of their owne number, diverse of the commissioners being stayed by the tempest of weather; and willing then, as at all tymes, to witnesse their willingnesse to satisfie his Majestie and Lords of the Secreit Counsell in all their reasonable desires, so farre furth as might stand with the Word of God and testimonie of a good conscience: [they] thought meete and expedient to continue the hearing of the effaires perteaning to the said Assemblie to the last Tuisday of September following, and to dissolve for the present, according to the sute and desire of the letter foresaid; and ordeans intimation and wairning to be made to all the Presbyteries within the land to choose their commissioners, and to send them, authorized with power, to the said Assemblie to be holden at Aberdeene the last Tuisday of September nixtocum, *anno* 1605. After the which ordinance his Majesties Commissioner [Lauriston, who had re-entered the Assembly and looked on] made protestation that from the beginning he did not acknowledge the present meeting for a lawfull Assemblie, in respect of the absence of the last moderator and clerk ordinar. The moderator [Mr John Forbes], in name of the brethrein, protested again that the said meeting was, and behoved to be, a lawfull Assemblie, in respect of the warrant of their meeting the said day before specified [warrant dated at Perth, 4th July 1604, and signed by Lauriston and others], the directioun of the Word of God, the lawes of the land, and continuall custome of the Kirk. Which being done, the said commissioner caused charge the brethrein there assembled to suffer the said Assemblie to desert, under paine of horning, by Johne Wishart, messinger; who delivered a subscribed copie of the said charge to the moderator in name of the whole, the tenour whereof followeth [copy here of the Act of Council of date 20th June 1605, forbidding the holding of the Assembly, given at p. 62, *ante*]. Which being read and considered, the said moderator, at command of the brethrein, tooke document and note in the hand of the said Johne Wishart, being a notar-publict, that they were readie instantlie to obey the tenour of the said charge. The said Johne refusing the benefite of his office in that part,

Skene Abridgment.

altogither voyd of the knawledge and feir of God, and having na regaird of our Soveraine Lords authoritie, royall power, and laws; and, besydes thair barbarous and lawles forme of living, they are avowed enemies to all lawfull trafficque and handling in these bounds, and the maist profitable and commodious trade of fishing, quhairby his Majesties subjects micht be maist richlie benefited, is be reasoun of thair barbaritie altogidder neglectit and oversein, to the grite hurt of the comonweill; and the Kings Majestie and the saids Lords finding that it can nawise stand with his Majesties honour and princlie dignitie that sic ane tyranous byke of rebellious and lawles lymmers shal be sufferit to have ony langer oversicht or impunitie: Thairfoir his Majestie and the said Lords hes made and constitute, and be the tennor heirof makes and constituts, James Spence of

the moderator, with the rest of the brethrein, after incalling of the name of God, dissolved and departid out of the kirk, for obedience to his Majesties charge; and the said moderator, with the remanent brethrein, past immediatelie to the common clerk's chamber of the said burgh, and there tooke documents in the hands of Mr Thomas Mollesone, common clerk, the tenour whereof followeth."—What follows is a document authenticated by the said Molleson, as common clerk of Aberdeen, and others, attesting that sixteen of the ministers, all named, had appeared in the common clerk's chamber at about half-past four on the afternoon of July 2, 1605, and declared, in the presence of eight witnesses, all named in the document, that having, "*within the space of a quarter of an hour since,*" been charged by John Wishart, by virtue of the Act of Council of 20th June, to break up the Assembly, they had instantly obeyed. Before this, and while the ministers were still together, they seem to have agreed upon the form of the answer which they should send to the letter from the Privy Council received through Lauriston. See that answer, purporting to be "From our Assemblie at Aberdeyne," and signed by "Mr Johnne Forbes, moderator, Mr Johnne Schairp, clerk," among *Royal and Other Letters*, under date 2nd July 1605.—As sixteen days had elapsed since these notable occurrences at Aberdeen, it seems likely that the Privy Council in Edinburgh would have let them pass without very severe notice but for a stimulus from his Majesty in England. There is, indeed, no extant royal letter on the subject of earlier date than July 19, the day *after* the present Act at Edinburgh; but his Majesty's impressions and wishes, as they were to be conveyed in that letter, must have already become known. He was resolved that the attempt to hold the Assembly in Aberdeen after intimation of his will to the contrary,—characterised as that attempt had been by such special incidents as the formal constitution of the Assembly, the election of a moderator and a clerk, and the nullification of the apparent act of obedience in dissolving the meeting by the accompanying adjournment of proceedings to another Assembly to be held on a definite day in the September following,—should be a new stage in his battle with the Presbyterian system in Scotland. He was resolved that examples should be made of all the ministers concerned in the attempt, including not only the eighteen named in the present Act, but also about ten more who, from stress of weather or a mistake as to the proper day of the meeting (see *ante*, p. 63, footnote), had not arrived in Aberdeen til after the dissolution of the Assembly, but who then adhered to what had been done by their brethren. One of these was Mr John Welsh of Ayr, the son-in-law of John Knox; and, indeed, in Spotswood's account of the affair (p. 487), which does not quite correspond with Calderwood's, Welsh and Mr John Forbes of Alford are represented as "the chief leaders in this stir."—The Laird of Lauriston seems by this time to have become alarmed lest his manner of dealing with the assembled ministers in Aberdeen should appear to his Majesty not to have been sufficiently prompt and peremptory. Hence, according to Calderwood and all the other Presbyterian historians, although in fact the positive charge of Council to the ministers to dismiss under pain of horning had been delivered to them only at the close of their meeting on the 2nd, he had by this time thought it prudent to report that "he had discharged the meeting of these ministers by open proclamation at the Mercat Croce of Aberdeene the day before they assembled." This is the positive statement, it will be observed, in the present Act; and the question whether it was 'a great lee," as Calderwood calls it,—herein following James Melville in his *Diary*, who calls it "ane false and deidlie lee,"—was to recur much in the further course of the case.

Wolmerstoun, George Hay of Nether Liff, and Sir Thomas Ker of Hirth, his Majesties justices and commissioners in that pairt, conjunctlie and severallie, to the effect underwrittine, giveand, grantand and commitand to thaim or ony of thaim our full power and commission, express bidding and charge, to convocat his Hienes leidges in armes, and to pass, search, seik and apprehend all and sundrie persons of the Lewis quhilk are suspect or delaite of slauchter, murther, mutilation, fyre-raising, ravishing of weymen, thift, reiffe, soirning and oppression, quhairever thai may be apprehendit, and to put, hald and detein thaim in sure firmance and captivitie ay and quhill justice be administrat upon thaim conforme to the laws of this realme. And, for this effect, court or courts of justiciarie at quhatsumever places convenient to set, begin, affix, hauld and continow; suits to make be callit, absents to amerciat, unlawis, amerciaments and escheats of the saids courts to ask, lift and raise, and for the samen gif neid beis to poynd and distreinyie; and in the same court or courts the said persons to call be dittay, to accuse, and thence to the knawledge of ane assyze to pass, and as thai shall happen to be foundin culpable or innocent to cause justice to be administrat upon thaim, conforme to the laws of this realme; assyze neidfull to this effect, ilk persone under the pain of 40 lib., to summond, warne, charge and cause be sworne; clerks, serjands, dempsters, and all other officiars and members of court neidfull to make, create, substitute and ordain, for quhom the saids justices sal be halden to answer; the escheat goods and gear of all and sundrie persons within the saids bounds quha sall happin to be convict be ane assyze, become in will, or fugitive fra the saids laws for the saids crymes, or ony of thaim, togidder with the escheats of all and sundry persons within the saids bounds quha are or salbe denuncit rebells and put to the horne for quhatsumever cause, criminall or civile, to intromet with and uplift, and for the samen gif neid beis to poynd and distreinyie, and to the saids justices awn uses for thair labours to apply. And, gif it sal happin the saids persons, or ony of thaim, for eschewing of apprehension, to flie to strenths and housses, with power to the saids persons, conjunctlie and severallie, to pass, follow and persew them, asseidge the saids strenths and housses, raise fyre and all other sic kynd of force and warlyke ingyne that can be had for wynning thairof and apprehending of the saids persons being thairintill. And, gif, in persute of the saids lymmers, they refuiseing to be taken, or asseadging of the saids strenths and houssis, it sall happen the saids lymmers or ony of thaim, or ony being in company with thaim and assisting thaim within the saids strenths and houssis, to be hurt, slaine, or mutilate, or ony uther inconvenient quhatsumevir to follow, his Majestie and the saids Lords wills and grants that the same sall not be impute as cryme or offence to the saids Justices and Commissioners, nor persons assisting thaim to the execution of this commission; exonering thaim of all pain and danger that thai may incurr thairthrow for ever. With power lykewyse to the saids Commissioners, for the better executione of this commission, to bear, weare, and use hacquebutis and pistollets, without

Skene Abridgment.

Skene Abridgment.

paine or danger to be incurrit be thaim thairthrow, nochtwithstanding quhatsumever Acts or Proclamationes made in the contrair. And, generally, all and sundry others things to doe, exerce and use, quhilk for execution of this commission is requisite and necessar,—firme and stable halden and for to hald all and quhatsumever things salbe lawfullie done heirin. This commission for the space of ane year after the daite heirof, but revocation, to endure."

Charge for randering of the castells off the Ilis.

"Forsamekill as, the Kings Majestie having resolved that the interpryse of the conques of the Lewis, quhilk wes befoir undertane be a number of his Hienes guid subjects, sal be yit prosequuted and followit be the assistance of his Majesties awn schiping and forces in a mair substantious maner nor it wes befoir, as alswa that the haill remanent Ilis and lands nixt adjacent quha are now disobedient sal be reducit to his Hienes obedience, necessar it is for the better furtherance of this service, and suirtie of his Hienes guid subjects quha sal be imployed thairin, that the haill castells and strenths in the Ilis be in his Majesties power and at his Hienes comandement. For quhilk purpose the saids Lords ordanis letters to be direct to heraulds, pursevants or officiars of armes, to passe and in his Hienes name and authoritie command and charge M°Kynnon of Stratharudell and all others havers, keipers and deteynners of the castell, tower and fortalice of Donakin, Rory M°Cleud of Dunvegane and all others havers, keipers and deteiners of the castell, toure, and fortalice of Dunvegane, and of all others his castells, toures, and fortalices, Donnald M'Connell Gorme of Slaite, and all others havers, keipers and deteiners of the castell, tour and fortalice of Duntillim, M°Neill of Barra and all others havers, keipers and deteiners of his castell and fortalice of , the havers, keipers and deteiners of the castell, tour and fortalice of Sternoway, and the havers, keipers and deteiners of all uthers castells, toures, strenths and fortalices within the North Ilis, to rander and delyver the same to the heraulds or officiars executors of the saids letters, and sic others as salbe appointit for ressaving and keiping thairof, to be keipit be thaim, in his Majesties name and to his hienes behoffe, as pledges of thair obedience, according to the direction given thairanent; and that thai remove thaimselfis and thair servands furth thairof within 24 hours nixt after thai be chargit thairto, under the pain of treason; with certificatione to thaim and thai failyie that not only sall the saids housses be asseadgit and persewit with fyre and sword, bot the keipers and deteiners thairof sal be repute, haldin and estimit and persewit as traitors and rebells, and the proces and dome of forfaulture sal be led and pronuncit against them, conforme to the laws of this realme."

Charge for randering of limfads and gallayes.

"Forsamekill as, the Kings Majestie having now directit some of his awn ships, with a number of his Hienes guid subjects, towards the Lewis, for reducing of the rebellious inhabitants thairof to obedience, planting of ansuerable people thairintill, and establishing of peace, justice, and quietnes within the same, and seing ane of the cheife and principall

causses quhich procurit the rebellion and disobedience of the Ilismen is the number of galleyes, limfadis, boitis, and birlings within the Ilis, quhairby the rebellious theives and limmaris, inhabitants thairof, hes the commoditie at all tymes to be transportit to and fra, alsweill for eschewing of apprehension quhen thai are persewit as for mutuall concurring and assisting ilk ane with others against his Hienes and his authoritie, necessar it is thairfoir, for the better furtherance of his Majesties service and frustrating the transport of the saids theives and lymmairs, that all the galleyis, limfadis, boitis, and birlingis within the saids Ilis and the continent nixt adjacent be in the power of his Majesties comissioners quha sall have the charge of this service. And thairfoir the saids Lordis ordanis letters to be direct to officiars of armes, schereffis in that pairt, chargeing thaim to pass, and in his Hienes name and authoritie comand and charge the masters, awners, havers and possessors of quhatsomever galleyis, limfadis, boitis, and birlings within the Ilis and continent nixt adjacent, be open proclamatione at the mercate croce of Inuernes and at the Loch of Lochbrume, that thai and every ane of thaim, within the space of 10 days nixt after the said charge, bring thair saids galeyis, limfadis, boits, and birlings to Lochbrume, and thair delyver the same to the persons quha sall have power and commission to that effect,—quhom his Majestie hes appointit to ressave thaim, to be keipit be thaim for his Majesties service sa lang as the necessitie of the said service sall require,—under the pain of rebellion and putting of thaim to the horne, and gif thai failyie &c. to denunce &c., and to escheat &c." Skene Abridgment.

[Charge for rendering the castles and boats in the North Isles to the King's officers.]

"Forsamekill as, our Soveraine Lord remembering the barbarous and deteastable forme of living of the present inhabitants of the Lewis, quha, being voyd of the fear and knawledge of God, and misacknowledging his Hienes authoritie, delytes in nathing bot in blude, thift, reiffe, and oppression, and stays and hinders all trade and trafficque in thes pairts, speciallie the maist profitable trade of fishing, it hes pleased his Hienes thairfoir to direct some of his awn schips, with a certane number of his Hienes guid subjects within the saids bounds, for persute of the barbarous inhabitants thairof and reduceing of thaim to obedience; and, to the effect that this service may be the better prosequuted and advancit, that na ayd, countenance, nor assistance be given to the saids lymmaris, nor yit the commoditie offerit to thaim to escaipe or to be transportit to or fra the ferries and Ilis nixt adjacent, there is charges direct for randering of the haill castells, towres, fortalices, and strenths in the North Ilis, with the haill galleyis, limfaddis, boits, and birlings, to his Hienes officiars and commissioners nominat in the saids charge. And, in caise the limmaris, havers, keipers, and possessors of the saids castells, towres, strenths, galleyis, limfadis, boitis, and birlings, sall happin violentlie to keip and deteine the same against the tennor of the saids charges, then and in that caice the Lords of Secret Councill gives and grants full power, commission, and authoritie to James Spence of Wolmerstoun, George Hay, Sir Thomas Ker, and Robert Cunningham of Airdrie, with the concurrence and

Skene Abridgment.

assistance of the capitanes of his Majesties ships, to pass, persew and asseidge all sic housses, castells and fortalices as sall happin to be detenit against his Majestie, and to take all the galleyis, limfadis and boitis quha sall not be randerit and delyverit as said is, and to follow, prosequute, and persew with fyre and sword the limmeris and deteiners of the saids castells, towrs, fortalices, galleyis, limfadis, and boitis, ay and quhill thai be apprehendit and reducit to due obedience: dispensing heirby with all and quhatsumever slauchters, mutilations, fyre raising, and uthers inconveniencies quhilks sall happin to fall out in the execution of this commission; comanding alswa the captanes and comanders of his Majesties saids schips to concurr with thair haill power and force in the execution of this commission, and to imploy and bestow his Majesties ordinance, powlder and bullet, to that effect, and to follow the direction of the saids commissioners in all sic things as may furder and advance his Majesties service, as the saids capitanes will ansuer to his Majestie and his Councill upon the dewtifull obedience of thair said office."

Proclamation that nane resset the inhabitants of the Lewis.

"Forsamekill as, the Kings Majestie remembering the barbarous and deteastable murthers, slauchters, and uthers insolencies committit be the wicked and rebellious theives and lymmaris, violent possessors and inhabitants of the Lewis, upon his Majesties peaceable and guid subjects quha be his Majesties authoritie were peaceablie setled in the Lewis, quham the saids persons not only violentlie expellit furth of these bounds, bot hes intrusit thaimselfis thairintill, quhair thai live most lasciviously and insolentlie, without fear of God or reverence of his Majesties authoritie, and, besydes thair barbarous and godles forme of leving, and the beastlie cruelties quhich every ane of thaim commits upon ane uther, they are professit and avowit enemies to all his Majesties guid subjects, and to all strangers quha aither in thair lawfull trade of fishing or be contrarious winds are set upon thair coist, swa that, be reason of thair barbaritie and tyrannie, the trade of fisheing in these pairts is neglectit and oursein, to the grite hurt of the commonweill; and his Majestie knawing that it cannot stand with his Hienes honour and princely dignitie that sic a unfamous byke of lawles lymmaris salbe sufferit in ony pairt of his Majesties dominions, seing his Hienes hes power and forces sufficient be sey and land to extirpat and root thaim out, and to root out all others quha sall kyth so rebellious and disobedient: his Majestie tharfoir directit some forces and schipping to re-establish and settle his Majesties guid subjects in the saids bounds, and to prosequute the saids theives and lymmaris accordinglie. And, becaus it hes ever bein the custome of the saids theives and lymmaris, at all tymes quhen thai were persewit, to transport thaimselfis with thair guids to others Ilis, quhair thai were resset, huirdit and keipit quhill thai fand the occasion of some disperat attempt and interprise, and his Majestie willing that the lyke confort and resset sal be refuisit to thaim heirafter, therfoir ordanis letters to be direct to comand, charge and inhibite all and sundry our Soveraine Lords leidges and subjects, of quhatsumever qualitie or degrie soever thai be, [be] open pro-

clamation at the mercate croce of the burgh of Inuernes and uther places neidfull, that nane of thaim presume nor take upon hand to resset or supply ony of the inhabitants of the Lewis, thair wyfes or bairnes, nor yit to hald or keip thair guids or gear, or to schaw thaim ony confort, countenance or releife, bot to take and apprehend thaim gif thai or ony of thaim or thair goods be already come or sall come in thair bounds, and keip and detein thaim quhill commodiouslie thai may be presented to the gentlemen presentlie imployed in his Majesties service, under the pain to be repute, haldin and estemit as favourers, assisters and pairttakers with the saids theives in all thair wicked deids, and to be punisht thairfoir with all rigour in example of others, &c."[1] Skene Abridgment.

Henry Home contra Henry Sinclair.

"Anent our Soveraine Lords letters raised at the instance of Henry Home of Eist Moristoun, makand mention that, quhair upon the 8th day of July instant Henry Sinclair of Quhytkirk wes orderly denuncit rebell and put to the horne, be vertue of letters raised at the said complainers instance, for non-payment-making to him of the soume of 1000 merks money as principall, togidder with the soume of 100 merks as for expenssis, specifeit and contenit in his letters obligators made to the said complainer thairupon, as the saids letters of horning, dewly execute, indorsat and registrat, schawin to the Lords of Secret Councill, bears: at the proces quhairof the said Henry Sinclair remains as yet unrelaxit, to the high and proud contempt of his Majesties authoritie and laws. And anent the charge given to the said Henry Sinclair of Quhytkirk to have compeirit personally befoir the Lords of Secret Councill this present day, to have answerit upon his proud and contemptuous rebellion and disobedience, and to have heard and sein sic order tane thairanent as appertenit, with certification to him and he failyiet command sould be given to the Capitane of his Majesties Guaird in maner and to the effect underwrittine, lykeas at maire lenth is contenit in the saids letters, executions and indorsations thairof.—Quhilks being callit, and the said persewar compeirand be Samuell Birse, his procuratour, and the said Henry St Clair of Quhytkirk being ofttymes callit and not compeirand, the Lords of Secret Councill thairfoir ordanis and comands the Capitane of his Majesties Guaird to pass, search, seik and take the said Henry St Clair of Quhytkirk quhairever he may be apprehendit, and to bring, present and exhibit [him] befoire the saids Lords, to the effect order may be tane with him for his said rebellion as appertenis; as alswa to pass, persew, and take his housses, remove his servants and furniture furth thairof, make inventar of his guids and gear being thairintill, and to report the same to his Majesties thesaurer and his deputs, to the effect the said inventar may be made furthcumand to his Majestie as accords; as the said Capitane of [his] Majesties Guaird sall answer to the saids Lords upon the dutiefull discharge of his office."

[1] For some account of the causes of the new stir about this time in the old project of a conquest and plantation of the Island of Lewis, so evident in this and the preceding four entries, see Spotswood, p. 490, and Chambers's *Domestic Annals of Scotland*, I. pp. 388–389.

Skene Abridgment.

"Anent our Soveraine Lords letters raised at the instance of James Carmichaell, ane of his Majesties servants, makand mention that quhair, upon the 26 day of January last bypast, Alexander Livingston of Pentasken wes orderly denuncit rebell and putt to the horne, be vertew of letters raised at the said complainers instance, for not payment-making to him of the soume of 540 merks money as principall, togither with the soume of 100 merks as for expenses, specifeit and contenit in his letters obligators made to the said complener thairupon, as the saids letters of horning, dewly execute, indorsat and registrat, schawin to the Lords of Secret Councill, bears: at the proces quhairof the said Alexander Livingstoun remains as yet unrelaxit, to [the] high and proud contempt of his Majesties authoritie and laws. And anent the charge &c., the Capitane of the Guard is ordained to apprehend him and bring him befoir the Councill." James Carmichaell contra Pentasken.

"Forsamekill as the Lords of Secret Councill, for some speciall and guid considerationes, especiallie for the better and mair effectuall prosequution of his Hienes service intendit against Kintyre and the West Ilis, hes thocht meit and expedient of new to prorogate and continow that expedition unto the 8th day of August nixt to come: and thairfoir ordaines letters to be direct to officiaris of armis, scherreffs in that pairt, charging thaim to pass and make publicatione heirof be open proclamation at the mercate croces of Glasgow, Ranfrew, Dumbartane, and all other places neidfull, quhairthrow nane pretend ignorance of the same, and to comand and charge all and sundry his Majesties leidges and subjectis quha be the former proclamations are subject to the service that thai and every ane of thaim, weill bodin in feir of weir, with 40 days victualls and provision, address thaimselfis to meit David, Lord of Scoon, his Majesties Comptroller, at Loch Kilkerraue in Kintyre upon the said 8th day of August nixt to come, provydit to remaine, attend and await upon the execution of his Majesties service for the said space of 40 days, under the pain of tynsall of lyfe, lands, and guids." Prorogation of the expedition to Kintyre.

Haddington MS. Excerpts. Fol. 341, b.

Thair being some controversie arrisin betuix Sir Raulf Gray of Chillingham and Sir Johne Ker of Hirsell anent certane lands lyand upon the Bordour betuix Scotland and Ingland toward Kirkyettam and Heithoun, and Sir Ralf having compleaned of ane convocation maid be Sir Johne Ker and his complices, wha had violentlie layed downe the land teilled be the said Sir Raulfis tennentis, and the Counsale having commanded the Commissionares to tak tryell of the mater and ordour with it, and thay having called the pairteis before thame and tane thame submitted to thame, thay ordaned Sir Raulf to continew his possession till the first of September, betuix and the whilk the principall cause and ground right sould be decyded. Efter thair said ordonance Sir Raulf and his servands and tennentis wer twyse troubled, and gudes whilk thay had poynded were reft from thame: whilk cumming to his Majesties knauledge, and he having gevin command to my Lord of Dumbar to cause the Counsale to try and tak ordour with it, the saidis Sir Raulf Gray and Sir Johne Ker Sir Raulph Gray contrair Sir Johne Ker, [anent possession of lands on the Marches].

Fol. 342, a.

being hard *viva voce* at lenth, the Lords ordaned the said Sir Raulf to continew his possession be pasturage, and not to teill whill ordour wer takin aither be the commissionares or uthers to be apoynted be the Kingis Majestie to decyde the rightis of the pairteis; and in the meantyme, for the convocation made be Sir Johne Ker, he wes committed to wairde in the castell of Edinburgh. Haddington MS. Excerpts.

Disputation anent the necessitie of the voyage to the Isles aganis the rebellious inhabitants.

The erles, lords and barones of the West Cuntrey, being chairged be proclamation to accumpanye my Lord Comptroller to the Iles, gave in thair supplication, beirand that the service wes not necessar, becaus thair wes na disobedience in the Iles nor necessitie in the service, and that thay wer not abill to serve that way, having na schipis to transport thameselfs, and whan thay came thair not being abill to serve upon horse in respect of the bounds, nor as being abill, accustumed or subject to serve upon fute; as also it not being reasonabill to chairge thame mair nor the rest of the cuntrey, and thay nawayes being subject to ony sik personall service bot whan the King wes present in person or his Lieutenant generall, and all the cuntrey chairged. The lords of the bounds within the proclamation being removed as pairteis, and thay hard to reason, and thairefter thay being removed and the mater at lenth reasoned, it wes considered that the Iles wes disobedient, becaus the King gat nather payment of his mailles and dewties, nor wes thair aither law or justice in the saidis boundis, bot the maist pairt of the principals stude forfalted and the rest wer at the horne; and the haill subjectis wer subject in personall service to the King, as thay sould be chairged be his Majesties proclamation, as wes knawin be the quarter raides and proclamations, sumtymes generall and sumtymes of speciall schyres and cuntreyis, and as wes practized in the 97 yeir of God, whan the crouner went to Kintyre, and the schyres, being chairged to go with him, agried to ane taxation to fie men and fraucht schippis. The lyke proclamation wes maid to assist the interpryse of the Lewis under the Erle of Huntlie; and those that wer subject to serve behoved to provyde schippis and all uther thingis necessar for that service. In respect whairof the bill wes refused, and thay ordaned to serve.

Assemblie of Aberdene: suspension [of horning] refused, wantand offer of obedience.

The Kings Majestie having gevin commandement to the Laird of Loureistoun, his Hienes commissionar in churche materis, that the Generall Assemblie appoynted at Aberdein 2nd July sould not be keiped bot sould be continowed till his Majesties pleasour wer knawin, and for the better effectuating thairof having ressaved from the Counsall not onlie thair missive, bot also ane chairge, and having execute the same upon the first of Julii,[1] notwithstanding thairof the ministers proceided and chuse ane moderatour and clerk, and continowed the Assemblie till ane certane day. Whilk being reported to the Counsall, it wes reasoned what ordour Fol. 342, b.

[1] As to this statement that Lauriston had executed the charge on the *1st* of July, see footnote, *ante*, p. 85. Calderwood is still very emphatic in his language about Lauriston in this connexion. "He was not able," says Calderwood (vi. 286), again following James Melville's *Diary* (p. 574), "to produce one man in all Aberdeene to verefie this lee."

Haddington MS. Excerpts.

sould be tane thairanent. Some thocht meit that thay sould be called before ony farder rigour wer used aganis thame; bot the maist pairt ordaned thame to be denunced rebellis according to the tenour of the letters and execution thairof, and the commissionaris report of thair disobedience and the verificatioun thairof be thair awin letter ansuerand to the Counsall. The Lords ordaned the saids persones disobeyand to be denunced. Thairefter, upon the 23rd of Julii, the saidis ministers having gevin in thair bill craving suspension of the said horning, it wes refused becaus thay offered not any obedience. 23rd July.

Recovered Fragments of Acta 1605–6. Page 283.

[A gap of 15 folios in the Register preceding this point] Said Sir Thomas Hammiltoun and Mr Robert Cathcairt appearing in name of the said Thomas and Hew M°Ruteris, his servitors, and complaining against the said Roger Bryane for violation of certain Acts of Parliament, the said Roger, for not appearing, is to be denounced rebel. To denounce Roger Bryane.

Complaint by Gilbert Cranstoun, called of Corsbie :—He has been put to the horn at the instance of Mr William Leslie of Civilie for not having answered for his "allegeit umbeseting and persewing" of the said Mr William with a drawn sword in the Cannogait and hurting and mutilating of him in his head and hand. Now, never having been lawfully summoned, he was altogether ignorant of the said charge; and, as he has found caution to answer upon 18th . . . . next, and as the gift of his escheat has been disponed to Johnne Moffett, stabler, burgess of Edinburgh, the said horning should be suspended.—Complainer appearing, but not Leslie, the Lords do suspend the horning, but ordain Cranstoun to find caution in £1000 to answer to the complaint when required upon 15 days' warning, and to be committed to ward in . . . . of Edinburgh till he find the said caution. Suspension of the horning obtained against Gilbert Cranston by Leslie of Civilly.

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Sederunts. Fol. 42, b.

Sederunt—Commissioner; Chancellor; Angus; Erroll; Mar; Linlithgu; Craufurd; President; Glammis; Newbottle; Uchiltrie; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Blantyre; Halyruidhous; Bruntiland; Constable of Dundie; Lowrestoun; Quhitinghame; Privy Seal; Justice-Clerk; Advocate; Clerk of Register; Sir James Sandilands; Sir Michaell Elphinstoun; Fostersait; Elimosinar. Edinburgh, 25th July.

Recovered Fragments of Acta 1605–6. Page 285.

Complaint by Patrik Hepburne of Kirklandhill, and Thomas Knox, his servant, that, upon 19th July instant, while Knox was walking on his said master's ground, David Craw, servitor to George Lawder, portioner of Tinnynghame, came behind his back, wounded him with a drawn sword in the arm and other parts of his body, and left him lying for dead.—The pursuer appearing by his procurator, Craw, for not appearing, is to be denounced rebel. David Craw denounced for assault.

Complaint by David Wilsoun, messenger, that William Douglas in Kirklistoun, and Jonet Levingstoun, his spouse, as principals, and Johnne Robiesoun, maltman, burgess of Edinburgh, as surety for them, who had Decree against William Douglas and others for not

paying certain sums to David Wilson, messenger.

been put to the horn at his instance upon 29th June last for not paying him 100 . . . . money, as principal, with 20 . . . . for expenses, and that Edward Stratoun in Nudrie, as principal, and Thomas Wadie, wright in Beith, as surety for him, who had been put to the horn on . . 5th February last for not paying him £20 as principal with 10 merks for expenses, continue unrelaxed.—Pursuer appearing, but none of the defenders, the order is to charge the Captain of the Guard to apprehend and present them, take their houses and remove their families furth thereof, and inventory their goods for his Majesty's use.

Recovered Fragments of Acta 1605–6. Page 286.

The King's Advocat against Maister Robert Howie [with a long narrative of recent municipal disturbances in Dundee, and Mr Howie's concern therewith].

"Anent our Soveraine Lordis letters rea[sed at the instance of][1] Sir Thomas Hammiltoun of Bynnie, kny[ght, his Majesties advocat], for his Heynes interesse, makand m[ention that quhair it is] not unknawin to the Lordis of Secr[et Councill how that the] burgh of Dundie hes thir mony yei[rs bygane floorished in] welth and policie, and how that thair wes sic ane christeane harmony, love, and societie intertenyit amangis the haill inhabitantis of that towne as aucht and sould have bene betuix the memberis of ane body, the privat personis studeing in all dew reverence and obedience to honnour and obey thair magistratis, and the magistratis, be the cairfull and diligent executioun of his Heynes lawis, procuring the wealth, peace, and tranquillitie of the toun. Quhilk christene and godlie harmonie wes fra tyme to tyme cherischit, foisterit, and intertenyit be the godlie pasturis of the said burgh, quha wes not onlie preacheouris of quietnes and obedience, bot be thair awne modest and obedient behaviour to the magistrat they gaif example of obedience to the commoun people, sua that the naked and baire name of seditioun seamit to be a mater odious and detestable within that toun; quhill now of lait, within thir few yeiris bigane, that a few nowmer of personis within the said burgh, of ambitious and restles humouris and dispositionis, hes verie sore disturbit the peace of the said toun, and, under the pretendit cloik of reformatioun and alteratioun of the estaite and governament of the said toun, hes now at last altogidder shaikin the same louse. Quhilkis personis persaveing that goodlie they could not bring thair purpoissis to pas without the help and concurrence of the pastouris, and persaveing Mr Robert Howie, thair pastour, to be of a hett and vehement humour and of a contentious disposition, they delt and travellit with him to assist thaim in thair courssis; and in end they have sa fer prevaillit with him that he, forgetfull of his awne dewtie and calling, hes tane the patrocinie and defence of thair seditioun upoun him, and is now become the verie heid and patrone of that faction, swa that fra him onlie as the funtane the present disordoure and confusion of the said toun hes proceidit and sprung, as be the particulairis following is evident:—As, namelie, upoun the aucht day of December j vi^{c} and thrie yeiris, the saidis seditious personis haveing unlawfullie convocat and assemblit thaimeselffis in armes be the instigatioun of Robert Fleschour for ane alledgeit indignitie done to him within

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[1] The words within square brackets are taken from the *Skene Abridgment*, the Recovered Fragments being imperfect at these points.

Recovered Fragments of Acta 1605–6.

King's Advocate against Mr Robert Howie.

the tolbuith be some of the clerkis friends, as he alledgit, and thai being chairgit be the magistratis to gang to thair ludgeingis, and, after thair refuseale, the saidis magistratis, for the peace of the toun, desyring the pairteis to submit thaimeselffis to the toun, the said Mr Robert Howie, quha wes personalie present with the said Robert Flesheour, and proloquitor for him and his company, verie seditiously ansuerit that the Counsale wer all partiall, and that he wald admitt na judgeis bot the deaconis; and, this unlauchfull and seditious convocatioun being quarrellit

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be the presbiterie of Dundie, and the said Mr Robert being desyrit be thame to rebuke the authouris thairof, he constantlie refuisit to do the same. And, in the moneth of Marche j vi° and four yeiris, the synodoill of Angus and Mernis haveing directit some commissionairis to Dundie for pacifeing of the troublis thair, and efter tryall they haveing found that the said Mr Robert Howie wes over busie and partiall, they earnestlie delt and travellit with him and with the uther minister to be authouris and preacheouris of peace, and nawyse to be careyed or led with partiall affectioun, and alwyse to forbeir particulair applicationis to exasperat the people: quhilk the said Mr Robert not onlie refuisit to do, bot immediatlie he unlauchfullie convocat and assemblit the nomber of aucht score personis of his factioun in the Croce Kirk of Dundie, and thair maist seditiouslie maid thame to understand that the saidis Commissioneris were direct to depoise him fra his ministerie, mynding thairby, as appeirit, to have steired thame up to have tane airmes and to have attemptit some disperat and suddane interpryse, quhilk wes verie liklie to have fallen out, seing a nowmer of thame cryed and schowted—'Quhat? will they depose our minister? latt us mak a day of it!' Lykeas, within a day or twa thairafter, the same seditious personis haveing maid a new trouble and commotioun within the toun quhair grite bludsched wes comitit, and persaveing some of the commissionairis upoun the gait, they cryed out 'Thir ar the men quha wald depose oure minister;' quhairby the saidis commissionairis verie narrowlie eschaiped. And, that same verie day afoir the trouble, the said Mr Robert publictlie and oppinlie said that he mycht raise twa or thrie hundreth swerdmen quhen he pleasit. And, upon the Weddinsday efter this trouble, a nowmer of gentilmen, sic as the Maister of Gray, the Laird of Lowrestoun, the Bishop of Brechin, with some of the Commissionairis of the Kirk, [trying] to pacifie thir troublis, the said Mr Robert convenit thair with Robert Flescheour and Walter Rollock, sat betuix thame, wes thair proloquutour, and kythit as pairtie with thame. And thairefter a nomber of the seditious personis of the craftis haveing unlauchfullie and seditiouslie deposed thair deaconis, and for the samyn being convenit befoir the Lordis of Secrite Counsale and wairdit, the said Mr Robert tuke upoun him to be a agent and doer for thame, come to Edinburgh, delt in thair favouris, ressavit money fra thair wyffs to mak his chairgeis, and keipit conventionis and meittingis with the crafts, sumtymes in the kirk, sumtymes in tavernes, and sumtymes in his awne house, craftelie and seditiouslie perswading and intysing thame to shaik of thair

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obedience and to misknow the authoritie of thair [magistrats. And, whenas] the provest of the said burgh, quha wes directit be [the Lords] of Secret Counsale to tak some tryall anent the[1] [troubles in the toun, come heir to make relation unto the Lords of Secret Councill of the estaite of that matter, the said Mr Robert publictlie from pulpit affirmit that the provost wes doing a wark of darknes, irritating thairby the comons against him. And at that same tyme, James Findlason, ane of the said seditious persons, being directit from his faction to Edinburgh to solist in thair favours, he fand na fault with him, bot accompanyit him with his letters of recommendation for his furtherance. And, after the returne of the provost fra Edinburgh in Appryll 1604 years, he being myndit to have convenit the commons and to have intreatit thaim to leive peaceably and obedientlie, the said Mr Robert being advertist of his purpose, he convenit the haill tailliors and souters in the kirk, besocht thaim to take tent to thair speiches and to late the provost get no advantage of them, and informit thaim to make thair answer that thai wald doe as the rest of the crafts did. And, in the moneth of May thairafter, quhenas John, Earle of Montrois, Chancellor for the tyme, with some others of the Lords of Secret Councill, past to Dundie to have tane order with thir troubles, the said Mr Robert had that tyme behaveit himselfe as pairtie with the seditious people, wes proloquutor for thaim in all the conferrences quhilk wes betuixt thaim and thair pairtie, and sa far past the bounds of modestie be his factious and partiall behaviour at that tyme that the Lords of Secret Councill were moved, for the peace of the toun, to remove him of the toun, and to charge him not to repair within the space of 6 myles to the same, bot to keip waird within the citie of St Andrews, under the pain of horning. Nochtwithstanding of the quhilk ordinance and direction given to him for keiping of waird as said is, he, in plaine contempt of the Lords of Secret Councill, broke his waird, past to England, of purpose and intentioun to have misconstrued the proceidings of the Councill in this matter to his Majestie; and for that effect his seditious complices furnisht and advancit him 1400 merks money, and send two or three of thair faction to be his convoy. And, as he depairtit without licence, swa at his returne he come to Dundie without licence, enterit in the pulpit, and publictlie declarit that he had prepared be some breid, as he termed it, for ony thing [that] could be done against him during all the dayis of his lyfe, and that he had a warrand to urge the observation of the laws, steiring up the comons thairby to prosequute thair plottes for alteration of the governament. And, immediatelie thairafter, in the moneth of Jully 1604 years, the said Mr Robert, accompanyed with 2 or 300th of his seditious complices, came to the burgh of Perth, quhair the Commissioners of the Burrowes were for the tyme, and thair, as proloquutor for his saids complices and as the head of that faction, he presentit himselfe befoir the saids Commissioners against the provost, baillies, councill, and deacons of crafts, making

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[1] At this point of the Register occurs a gap of two folios, the defect being supplied from the *Skene Abridgment*.

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himselfe thairby ane plaine pairtie against thaim; and thair, passing the bounds of modestie, he affirmit that the toun was in bondage. And, quhairas all the differences were submittit to indifferent friends, he be all means indirectlie pressit to have the decision thairof in favours of his faction, and sua busyed himselfe in that errand that he moved the Bischop of Aberdein and Mr David Rutherfurd to come to Dundie in the place of the Bishop of St Andrews and Alexander Rutherfurd, quho were nominat arbitrators for his faction, and he himselfe raid to Aberdein, and brocht with him all sic Actis and wreatis as he thocht mycht strenthin his cause. And, at his returne, the first day that he occupyit the pulpit, he exclamit that the provost had violat and broken his aith in contraveining of the decreit arbitrall, doing thairby quhat in him lay to have brocht the magistrates in discredit as violators of thair faith, and of new to have raisit the people in armes, quha after sua grite panis had bein laitelie pacifyd and setled. And fra that furth continuallie quhill the tyme of the election his haill doctrine soundit of alteration of the governament, refuitting all difficulties that mycht be alleagit in the contrair, and affirming and declaring to the people that, gif thai wald chuse a provost for greatnes, a lord wes grittair nor a barroun, a erle gritter nor a lord, a duke gritter nor ane erle, and the Devill wes greatest of all. And, quhenas some of his faction begane to be effrayed of thir doings, especiallie for misregarding of his Majestie, quha had recommendit the Constable of Dundie to be thair provost, he upbraidit thaim with maist dispytefull and uncomelie speiches, calling thaim feible-hearted betrayers of a guide cause, and affirmit, gif ony man wald accept the provosts office on him, that he could cast off his awn goun and take it on himselfe gif his calling wald permit it, and rather or he were continuit provost he said that Michaell Hall (quha wes a puire contemptable creator of the toun) sould have it, and said that it wes mair aggrieable with reason that ane who had come in at the toun end with a creill on his backe a year syne sould be provost nor ony gentleman. And, be thir and uthers of lyke subtile and craftie perswasions, he moved the multitude of the toun not only to dissassent fra that formall and ordinar election agreed upon be the decreit arbitrall, bot with that maist unlawfullie and seditiouslie to make a pretendit election of thair awne, quhairin thai made choise of a number of the principall ringleaders of the said faction to bear office. And, he knowing that this unlawfull election wald be quarrellit, he thocht to have mantenit the same be way off deid and force; and, to this effect, he convocat a grite number of the multitude of the toun in the kirk; and, he himselfe standing at the lettrone with the Byble in his hand, he tuike all thair aiths that thai sould abyde be the said election, and that thai sould acknowledge thaim and na uthers for thair magistrats. And, quhen the electors were summond to compeir befoir the Lords of Secret Councill at Pearth to ansuer thairupon, the said Mr Robert past with them to Perth, and moved 400th of his seditious complices to gang with him; quhom he convenit in the Inch of Perth, and thair of new tuike thair aiths. And, at thair

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appeirance befoir the Councill, he compearit as proloquitor for thaim, and kythit himselfe as pairtie; for the quhilk the Lords of Secret Councill maist worthilie and justlie removit him aff the toun and chargit him to waird within the citie of St Andrews; quhich charge he lykewyse disobeyed, returned back againe to the toun of Dundie, and still practized to hald the comons up on thair courses of disobedience, chuseing rather to abyde quhatsumever hazard mycht fall upon his disobedience and being denuncit rebell for the same. And, fearing that the burden of all this rebellion wilbe layd upon him and upon Robert Flescheor, he thairfoir, to exoner himselfe and the said Robert of that deid, and to make it a common cause of the toun, convenit a grite number of the comons in his awn house and in the hous of Andro Boyter, presentit unto thaim ane letter quhilk he callit ane testimoniall, bearand that the subscryvers confessit that thai had importunlie pressit Robert Fleschor and his complices to pass to the tolbuith and to make the said election; quhilk letter he moved thaim to subscryve. And, some of thaim finding thaimselfis abused and circumvenit in the subscryveing of this letter, they repentit, came to the said Mr Robert, and desyrit him to deleit thair subscriptions; quhilk he refuisit, and past immediatlie with that same letter to Lundoun, to the company of James Isack, ane excommunicat murtherer, quhom he himselfe excommunicat, and keipit company and familiaritie with him all the day. And, at his comeing to Lundoun, he presentit himselfe to some of the Lords of Secret Councill quha were thair, and acknawledged the offence and wes send back to his waird in St Andrews. And now, sen his hame-comeing, he is still occupyed in keiping of conventions and meittings with his saids factious complices, and, be missives, messages, and utherwyse, does quhat in him lyes to intertein the present confusion within the said burgh; lykeas he is interteynt be thaim, and hes of laite ressavit fra James Low and Thomas Gray, twa of his saids factious complices, the soume of 500th , quhilk wes contribute and gadderit amang thaim. And, seing the said Mr Robert hes sa extraordinarlie behavit himselfe within the said burgh, and in effect hes bein and is the author and fountaine quhairfra the disorderit estaite of that burgh hes proceidit, it can na wyse stand with the weill of the said burgh, nor the peace and quietnes of the subjects inhabitants within the same, that he be sufferit ony langer to have residence and remaineing thair, or to bear ony publict office, function, or charge within the same, bot he aucht and sould be simpliciter excludit thairfra during al the days of his lyfe.—And anent the charge given to the said Mr Robert Howie, minister, to have compeirit personally befoir the Lords of Secret Councill att ane certane day bygane, to have heard and sein it verifyit and proven, foundin and declairit, that he hes very factiouslie, partiouslie, and seditiouslie behavit himselfe within the said toun in maner abonewrittine, and that he is and hes bein a speciall mover, author, and fosterer of the present disorder, trouble and confusion within the same, and that his residence and remaining within the said toun, and the exercising

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of ony publict function or charge within the same, wald produce farder confusion, disorder and unquietnes thairin, and wald be a lat, hinder and impediment to the reconcilling and uniting of the inhabitants of the said toun in that godly and christian love and amitie quhilk of auld were keipit and interteynt amangst thaim, and thairfoir to have heard and sein him decernit and declairit nawayes to have bein capable of ony public office, function, and charge within the said burgh during all the dayes of his lyfe, but to have bein simpliciter excludit thairfra, and fra having of ony forder residence, remaineing or habitatione within the same at ony tyme heirafter, and forder to have heard and sein him decernit to have bein punisht in his persone and fynit in his guids for the premissis at the arbitriment of the Lords of Secret Councill, and sic forder order tane thairanent as mycht tend maist to the touns quietnes and his Majesties obedience, or else to have shawine ane reasonable caus quhy the samyne sould not have bein done, with certification to him and he failyiet his Majestie and the saids Lords wald decerne in maner foirsaid, lykeas at mair lenth is conteined in the saids letters], executionis and indorsationis thairof.—Quhilkis being callit, and the persewair compeirand personalie, and the said defendair being lykewyse personalie present, the ressonis and allegationis of baith the saidis pairteis, togidder with the depositionis of certane personis producit be the said persewar, ressauit, sworne and admittit as witnessis in this matter, being red, hard, sene and considerit be the saidis Lordis, and they ryplie advisit thairwith, the Lordis of Secrite Counsale assoilzeis simpliciter the said defendair fra that pairt of the said sumondis tuitching the allegeit convocatioun of aucht score of personis maide be him in the Croce Kirk of Dundie in the moneth of Marche j^{m} vi^{c} and foure yeiris, and fra that pairt of the saidis letters and summondis tuitching his sending of letters of recommendatioun with James Findlasoun quhen he wes directit to Edinburgh to solist in favouris of the commonis for furtherance of the said James aganis the provest, bailleis, and counsale, and fra that pairt of the saidis letters tuitching his perswading and moving of the multitude of the toun to mak the pretendit unlauchfull election of magistratis within the said burgh, quhilk wes dischairgit be the Councill, and decerns him quite thairfra in tyme coming, because, the said persewair haveing referrit the particulair pointis and heidis abone-specifeit of the saidis letters to the said defendairis aith of veritie, and he being personally present declairit be his grite aith that the samyn wes not of veritie, as wes cleirlie undirstand to the saidis Lordis. For the quhilk caus the saidis Lords hes assoilzeit and assoilzeis the said defendair in maner foirsaid. And siclyke the saidis Lordis findis and declairis that the said defendair, be mony utheris of his actionis, hes behavit himselff verie factiouslie and seditiouslie within the said toun against the provest, baillies, and counsale, and that his residence and remaineing thair hes bene ane occasion of the intertenying of the present disordour and confusioun within the samyn, and wil be a lat, hinder and

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impediment to the reconsiling of the inhabitantis thairof in that godlie and christeane [love] quhilk of auld wes intertenyit amangis thame. And thair[foir] the saidis Lordis decernis and declairis the said defen[der] nawyse to be culpable [? capable] of ony publict office, function, [or ch]airge within the said toun of Dundie at ony tyme heirefter [during] all the dayes of his lyftyme, and excludis him simpliciter [thairfra], and fra making of ony residence, habitatioun or remaineing within the said toun at ony tyme heirefter, because, [the rem]anent pointis of the saidis summondis being admitit to [the saids] persewairis probatioun, and divers witnessis being [producit] be him, ressavit, sworne and admittit thairin, he hes cleirlie and sufficientlie verifeit and proven the premissis to be of veritie, as wes clerlie undirstand to the saidis Lordis. For the quhilk caus they have foundin, decernit and declairit in maner foirsaid."[1] Recovered Fragments of Acta 1605-6. Page 294.

Order to apprehend Robert Alexander at the instance of Patrick Freeland.

Complaint by Patrik Freland, burgess of Dumfermling, that Robert Alexander, burgess of Striviling, still continues at the horn, to which he had been put on 10th June last for not paying to complainer, as assignee to Beatrix Kinros, relict of George Freland in Alloway, the sum of £32 as part of the annualrent of 500 merks specified in a contract, of date 20th and 28th May 1597, made between the said late George and his deceased son, on the one part, and Patrik Kinros, burgess of Striveling, and Kathereine Alexander, his spouse, as principals, and the said Robert Alexander, as surety for them, on the other part, and for non-payment also of all the years and terms of said annualrent yet resting owing.—The pursuer appearing, but not the defender, there is order to the Captain of the Guard to apprehend and enter him, to remove his family from his houses, and to inventory his goods for his Majesty's use. Page 295.

Decree against Robert and Alexander Gavin for non-payment of a debt to Andrew Gray.

Complaint by Andro Gray in Peitterheid setting forth that Alexander Broun in Blakhouse, James Bruce in Feachfeild, Andro Bruce in Buchlas, Alexander and Robert Gavinis in , who had been put to the horn on 19th September 1601 for not paying him £4 for each boll of 500 bolls of oatmeal, conform to their obligation and to decree of the commissariat of Abirdene, remain as yet unrelaxed.—Charge had been given to the said Gavinis to answer; and now, the pursuer appearing by Johnne Mure, merchant, burgess of Edinburgh, but the Gavinis not appearing, decree is given against them as in last case.

Turnbull of Bedroul against John and Rowy Beatson for spuilyie.

Complaint by Waltir Turneble of Bedreull that, about years ago, Johnne Beatisoun of Rainnaldburne, Thomas Beatisoun, his son, Rowie Beatisoun, called Dandie's Rowie, of North Carrik, Merk Beatisoun, servitor to Johnne Ellot of Copschaw, accompanied with certain thieves, came in daylight to the lands of Wollis and reft thirty old kye and oxen at £20 each, and 200 old sheep worth £4 each, and that, although complainer, having found Sir Williame Cranstoun, younger of that Ilk, cautioner for him, had been compelled, according to the general band, to satisfy the late James Stewart of Wollis for the loss, yet he can get no redress.—Charge had Page 296.

[1] The words within square brackets are taken from the *Skene Abridgment*, the Recovered Fragments being imperfect at these points.

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been given to the said Johnne Beatisoun of Ronaldburne and Rowie Batisoun to answer; and now, the pursuer appearing by his brother, Robert Turnebull, the defenders, for not appearing, are to be denounced rebels.

Discharge of convocations at the day of law between the Lairds of Edzell and Pittarro.

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Notwithstanding the Acts of Parliament forbidding litigants to come to courts with "unlauchfull backing and convocationis," under certain pains (1487, c.9, ii. p. 177; 1536, c. 41, ii. p. 351; 1584, c. 17, iii. p. 301), the Lords of Secret Council are informed that Sir David Lindsay of Edzell and Sir Johnne Wischart of Pittarro intend to convocate great numbers of their friends at the day of law appointed to them on August next. Accordingly, letters are to be directed charging them to keep the said day "in modest, quiet, and peacable manner," conform to the said Acts and under the pains there specified. Proclamation is also to be made at the market crosses of Edinburgh, Perth, Dundie, Forfar, Brechin, and Monrois,

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inhibiting all and sundry from accompanying the said persons at the day foresaid, under the pains in the said Acts.

Robert Christie against Jardine of Applegirth for non-payment of a debt.

Complaint by Robert Crystie, merchant, burgess of Edinburgh, that Alexander Jerdane of Apilgirth, who had been put to the horn on 18th June last for not paying him £497 as principal with 100 merks for expenses, and also £349, 13s. 4d. as principal with £100 for expenses, specified in his obligations, still remains at the horn.—The pursuer appearing, but not the defender, the Captain of the Guard is ordered to apprehend him, remove his family furth of his houses, and inventory his goods for his Majesty's use. [Follows a gap in the Register of three folios.]

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Suspension of horning and modification of penalty.

Page 305.

[Imperfect record.] Pursuer appearing by Alexander Dunlop, his procurator, and Jonet Currie, defender, appearing by Alexander Cunynghame, her procurator, and this procurator having, in obedience to the charge, produced the letters of horning against the pursuer, the Lords suspend the said letters, and modify £500 under which the pursuer found caution for defender's indemnity to 400 merks.

Patrick Forbes against George Banerman for assault.

Complaint by Patrik Forbes, citizen of Dunkeld, that, certain persons having been convicted and executed in the said city in April 1604 for theft and other odious crimes, and the pursuer, as bailie for the time, having been occupied anent the said execution, George Banerman, son of Lowrence Banerman of Cardneis, violently entered within the bar where complainer stood, using "vyle speitches" to him, and further that, in

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November last, the said George came to the said city and struck the complainer upon the head with a baton, felling him to the ground, and giving him thereafter many other "bauch, bla, and bludie straikis."—Both parties appearing, the Lords ordain the defender to be committed to ward in the tolbooth of Edinburgh.

Skene Abridgment.

Proclamation anent the Assemblie att Aberdein [prohibiting the new meeting appointed for September].

"Forsamekill as the Kings Majestie, our Soveraine Lord, having given mony testimonyes and pruiffis of his sinceritie in the trew and christian religion quhairin his Majestie wes trained up and quhairof his Hienes hes made a constant proffession during the haill course of his lyfe, and having authorized the professors of the said religion and ministers thairof with

Auent the Assembly at Aberdeen.

favourable Acts and constitutions alsweill for mantaineing of the discipline as for repressing and extinguishing of all contrair professions, so that every weill affectit subject of quhatsumevir degrie or calling, bot speciallie those of the ministrie, hes maist just cause to expect assuredly that steadfast course to be still keipit be his Majestie quhilk is alwyse meittest for the glory of God and continuance of the peace and quietnes of the Kirk; and his Majestie haveing signifyet his Hienes will and pleasure that his Majestie, for mony considerationes, could not be resolved anent the tyme of the Generall Assembly quhilk wes appointit to be haldin att Aberdein [till] after the approaching Parliaments, and, the Parliaments being endit, that his Majestie wold then have occassion to direct the maist expedient in that matter for the weill of the Kirk; and the Commissioners of the Kirk having acquaintit the haill presbyteries of this realme with his Majesties pleasure in that matter, and willit thaim to conforme thaimselfis thairunto, and on nawyse to convein and meitt for keiping of the said Assembly; as alswa the Lords of Secret Councill having, alsweill be a favourable missive letter as be letters of horning, discharged the halding of the said General Assembly at that tyme: nochtwithstanding quhairof it is trewth that a few number of the ministerie, not content to continew in that condition of guide order quhairby thai have floorishit this mony years bigane, hes of laite, in manifest contempt and misregaird of his Majestie and violation of the directions and comandementis of the Lords of Secret Councill, maist unlawfullie convenit thaimselfis in the said toun of Aberdein upon the 2nd day of July instant, quhair on thair pretendit maner thai held ane Assembly and appointit ane new Assemblie to be haldin and keipit at the said burgh upon the last Tuesday of September nixt, without ony lawfull warrand, power, or commission had be thaim to that effect. And, albeit his Majestie doubts not bot all the wise, godlie, and grave persons of the ministerie disallows of this unlawfull meitting and Assembly, and consequentlie thinks that the nixt Assemblie wes als unlawfullie appointit as the former wes haldin, and will thairfoir forbear to acknowledge the same or repair thairunto, yit it is verie apparent and lyklie that some other of the ministerie, led with the lyke conseit and opinion as thair breitheren who made the first unlawfull Assembly, will yitt conveine and keep the nixt unlawfull meiting and Assembly, to the offence, contempt, and misregaird of his Majesties authoritie and lawis, without remeid be provydit. And thairfoir ordaines letters to be direct to officiares of armes, shireffs in that part, charging thaim to pass and in his Majesties name and authoritie command, charge and inhibite the provost and baillies of Aberdein, and the provost and baillies of all other burrows, cities, and villages within this realme, that nane of them suffer and permit the saids ministeris to have ony meitting or conveining within the touns or burrows for halding of the said Assemblie, and speciallie the saids magistrats of Aberdein suffer na minister, except the ministeris of thair awn presbytries and the Commissioners of the Kirk, have entres within the said toun the day

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forsaid, nor yit 8 dayes afoir the same, as thai will ansuer to his Majestie and the saids Lords upon the contrarie at thair highest perrell. And siclyke to command and charge all and sundry noblemen, barrons, gentlemen, presbyteries and sessions of kirks, magistrats, and inhabitants of burrows, touns, and villages, be open proclamatione at the mercate croces of the head burrows of this realme and uthers places neidfull, that nane of thaim presume nor take upon hand to direct or send ony commissionaris, nor yit repair thaimselfis, to the said unlawfull Assemblie appointit to be halden att Aberdein the tyme forsaid, under the panis to be called, persewit, and punisht for convocation of his Majesties leidges, keiping of unlawfull assemblies against his Hienes lawes, and for contempning the directions and commandements of the Lords of Secret Councill, with all rigour, to the terrour of uthers, and forder under the pain of rebellion and putting of thaim to the horne, and, gif thai or ony of thaim failyie or doe in the contrair, to denunce the dissobeyers rebells and put thaim to the horne and to escheat, &c."

Anent the Assembly at Aberdeen.

"The quhilk day, the Lords of Secret Councill having heard the relation and depositions of Mr John Forbes, moderator of the lait unlawfull Assemblie haldin at Aberdein the 2nd day of Jully instant, anent the forme and maner of proceidings in that meitting, the saids Lords findis that he hes comittit ane offence in contraveining of the comand and direction of the Councill in that matter, and thairfoir hes thocht meitt and ordanit that he salbe committit to waird within the castell of Blacknes, thair to remaine in suirtie quhill his Majestie be advertist and his Hienes will and pleasure be knowen; and that he be transportit and convoyed to the said Castell as a prissoner be the Guaird; and, quhill some of the Guaird be in readynes to convoy him, the saids Lords ordanis him to be committit to waird within the castell of Edinburgh."[1]

Mr John Forbes committet to waird [for his concern in the late Assembly at Aberdeen].

Haddington MS. Excerpts, Fol. 342, b.

Fol. 343, a.

My Lord Hereis, having obteaned decreit of removeing aganes certane Johnestones, possessoures of his landis in Annerdaill, and, for not removing, having put thame to the horne, chairged the Laird of Johneston as thair cheif and maister, who had assured for thame, and tane thame under his assurances, and wha had assisted him in his feid and gaderingis,—whairthrow be the generall band he wes obleissed to be answerabill for thame, —to exhibit thame. It wes excepted that the generall band wes onlie for quyetting the cuntrey and for preventing of disordour or puneisment of crymes, and had not executioun for civill causes and hornings following thairupon; and, albeit of auld the Bordouris were subject to disordour, yit, the samin being now reduced to obedience, and his Majestie, his lawes and magistrates being obeyed, seing the Sheref and the Garde had power to execute the decreittis there, the Laird of Johnestoun could not be

Lord Hereis contrair Laird of Johnestoun: generall band aganis Lords for factis done be thair men onlie practeised in criminall maters.

[1] In this and the preceding Act of the Council, and in a series of Acts to follow, one discerns the spur to their proceedings in the matter of the late attempted General Assembly at Aberdeen that had been imparted by the receipt at last of the King's definite letter on that subject, addressed to Secretary Balmerino. See it among *Royal and Other Letters*, under date "Havering in the Bower, 19th July 1605." It ought to be read in this connexion.

answerable for thir men, wha wer nather men, tennentis, nor servands to him, nor duelt not upon his land, and he had na office nor bailyerie. The Lords fand that the generall band sould onlie have place in criminall causes and not for exhibition of men denounced for civill causes, and remembered the practik betuix my Lord Glamis and Balmaschaner, and dyvers uthers causes whair the lyke had bene fund of before. Haddington MS. Excerpts.

Edinburgh, 26th July.

Sederunt—Montrois; Chancellor; President; Bishop of Glasgow; Lowrestoun; Advocate; *una cum quibusdam Commissionariis.* Recovered Fragments of Acta 1605–6. Page 306.

Mr John Welsh committit to waird [for his concern in the late Assembly at Aberdeen].

"Anent the chairge gevin to Mr Johnne Welsche, minister at Air, to have compeirit personalie before the Lordis of Secret Counsale this present day, to have ansuerit to sic thingis as sould have bene demandit of him tuitcheing the lait Assemblie haldin at Abirdene in this instant moneth of [Jully] and quhat hes bene his behaviour in that mater, under the pane of rebellioun and putting of him to the horne, with certificatioun to him and he failyet letters should be [direct] simpliciter to put him thairto, lykeas at mair lenth is con[tenit] in the said chairge. Quhilk being callit, and the said [Mr] Johnne Welsche compeirand personalie, and being desyrit to gif his aith that he [follows a great gap in the Register, extending to eleven folios; but the *Skene Abridgment* gives the conclusion of this Act as follows, and adds another proceeding of the same day :—] sould declair the trewth in sic things as sould be demandit of him twiching the laite Assemblie haldin at Aberdein, he refusit to gif his aith. In respect quhairof the Lords of Secret Councill ordanis him to be committit to waird within the Castell of Blacknes, therin to remaine quhill the knawledge of his Majesties will and pleasure thairanent. And, because Mr John Forbes, minister, is to be transportit to the said Castell, it is thocht meit be the saids Lords that thai salbe comittit to severall chalmers within the said Castell, and on nawyse be sufferit to confer or meit togidder, nor that nane be sufferit to have access unto thaim. And that a warrand be direct to the capitane of the said Castell for this effect."[1] Skene Abridgment.

Charge against certaine ministers of Fyfe [for their concern in the late Assembly at Aberdeen].

"The Lords of Secret Councill ordanis letters to be direct to comand and charge Mr John Sharp, minister at Kilmany, Mr Robert Durie, minister at Anstruther, Mr Andro Duncan, minister at Carraill, and Mr Alexander Strauchane, minister at [Creich], to compeir personallie befoir the Lords of Secret Councill at Edinburgh, or quhair it sall happen thaim to be for the tyme, upon the 1st day of August nixt to come, to ansuer to sic things as

[1] The fact that Mr John Welsh of Ayr, though he had not been one of those actually present in the late General Assembly at Aberdeen, having arrived after it was over and only adhered to it by declaration (*ante*, p. 85, footnote), was yet the first to be called to account for it after Mr John Forbes, who had been the moderator in it, confirms Spotswood's statement (*ante*, p. 85, footnote) that Forbes and Welsh were regarded as the chief leaders in this Presbyterian demonstration. It appears, however, from James Melville's *Diary* (p. 575), that the fact that Forbes and Welsh were both in Edinburgh about this time, and therefore accessible, had something to do with their being first selected.

Skene Abridgment.

sall be demandit of thaim and layd to thair charge tuiching the unlawfull Assembly quhilk wes halden at Abirdein in the moneth of July instant, and quhat wes thair behaviour in that Assembly, and quhat hes bein utterit, proceidit, or followit thairupon sensyne, and to underly sic order as salbe tane thairanent, under the pain of rebellion, &c., with certificatione, &c. And siclyke the saids Lords ordains letters to be direct charging Master Archbald Sympson, minister at Dalkeith, to compeir personallie befoir the saids Lords at Edinburgh, or quhair it sall happen thaim to be for the tyme, upon Tuesday nixt, the penult day of Jully instant, to answer to sic things as salbe demandit of him and layd to his charge tuiching the unlawfull Assemblie halden at Aberdein in the moneth of July instant, and tuiching his repairing to the burgh of Aberdein to have assisted that unlawfull meitting with his presence, and to all uthers things done, approven and consentit to be him anent that matter, and all that hes followit thairupon, and to underly sic order as shalbe tane thairanent, under the pain of rebellion &c., with certification to him and he failyiet letters salbe direct simpliciter to put him thairto, and to escheat and inbring all his moveable guidis to his Hienes use for his contemptioun."

Sederunts, Fol. 43, a.

Sederunt—Commissioner; Chancellor; Lynlythqu; President; Dunkeld; Ros; Blantyr; Haliruidhous; Privy Seal; Justice Clerk; Advocate; Collector; Clericus Registri; Quhutinghame; Lourestoun; Brintiland; Sir James Sandielandis; Fostersait; Elimosinar. 30th July.

[Anent tolbooths.]

The burrowis of Air and utheris anent thair tolbuithis.

[Anent the treatment of the warded ministers.]

Haddington MS. Excerpts. Fol. 343, a.

The Bischop of Ros in Counsale declaired that the saids Mr Johne Forbes and Mr Johne Welshe wer hardlie keiped and mair straitlie used nor aither Jesuites or murthourares, and thairfore desyred that aither they micht be put to libertie or transported to some mair gentill warde.[1]

Principal parties in a case of oppression examined, witnesses being not clear.

Fol. 343, b.

Thair being mutuall complaintes and persutes moved betuix Williame Dumbar of Hemprigis-Barnes and James Adamsoun, and witnessis ressaved and examined upoun baith thair libellis, becaus the mater wes not maid plane be the depositionis of the witnessis, the Lords called in Johne and James Dumbaris, and James, thair boy, and tuke thame deiplie sworne, and examined thame severallie, as also tuke James Adamesonis aith and his mans and examined thame; and efter all these tryels committed James Adamesoun and his man to warde.

Submission between the Lairds of Lochinvar Garlies.

Skene Abridgment.

"The quhilk day, in presence of the Lords of Secret Councill, compeared personally Sir Robert Gordon of Lochinvar, knycht, Alexander Steuart of Garleis, and Mathew Stewart of Dunduff, and nominat the persons underwrittine, quhom thai made choise of to be freinds and arbitors for thaim in the submission following: viz. the said Laird of Lochinvar

[1] The above entry in the *Haddington MS. Excerpts* is followed by this note, apparently in Lord Haddington's handwriting when he was Lord Advocate Hamilton,—"Strang eopinion of ane prelat and Counsillour."

Submission between the Laird of Lochinvar and Garlies.

nominate Mark, Lord Newbotle, and Hew, Lord of Lowdoun, and the said Laird of Garleise nominat Walter, Pryor of Blantyre, and Wallace of Carneill, to be friends and arbitors in the submission ordained and aggreit upon to be past betuixt thaim. Lykeas the said Laird of Lochinvar promeist to caus the Laird of Troquhane, the Guidman of Airdis, the Guidman of Crauchlaw, or any ane of thaim, submit with the said Laird of Dunduff, and to take the burding upon thaim for the persons quha are denuncit rebells and at the horne for the slaughter of umquhile George Steuart, brother to the Laird of Dunduff, and nominat Sir James Johnstoun of Dunskellie, knycht, and the Laird of Balmagey, to be freinds and arbitors for thair pairt; and the said Laird of Dunduff nominat Naper, younger of Merchinstoun, and John Lockhart, burges of Air, to be freinds and arbitors for him in that submission. And all the saids pairties promeist to be heir thaimselfis, and to have thair saids freinds heire, upon the 20 day of November, for the subscryving and ending of thir submissions and putting of thaim to a point. And the said Laird of Lochinvar promeist to have ane of the persons forsaids quha sould take the burdin in Dunduffs submission heir the said day to subscryve the same. As alsua the saids Lairds of Lochinvar and Garleis with thair awn consents prorogatit the assuirance standing betuixt thaim to the 1st day of Januar nixt to come." Skene Abridgment.

31st July. Mr Archibald Simson admonished.

Mr Archibald Simsoun, being called before the Counsall for the same Assemblie [in Aberdeen], gave his aith, maid his simple declaration, and wes dimitted with admonitioun of mair moderat behaviour in tyme cuming, —whilk he promised. Haddington MS. Excerpts. Fol. 343, a.

[The *Minute Book of Processes* notes the following collectively for the month of July 1605, without assigning the items to their particular days:—]

July 1605.

Act ordaining letters at the instance of the Earl of Northumberlane to charge Martin Ellott and otheris to remove of his lands. Minute Book, Fol. 9, a.

Act of recusancie to communicat against the Earle of Angus.

Ryott: Johne and James Dumbaris against James Adamsone.

Rebellion: Sir Williame Stewart against Peter M°Dowell.

Letters: Thomas Hodge against James Muir, who wes formerly incarcerat for ane ryott and released upon cautionry to compeir when called.

Act discharging Sir David Lindsey and Sir Johne Wishart for having supernumerarie persones attending them at there dyett of compearance before the justice.

Proces of convocation: Advocat against Mr Robert Howie, minister at Dundy.

Proces for thift: Bernard Lindsey against Jock Graham, &c.

Ryott: Patrick Forbes against George Bannerman.

Rebellione: Robert Crystie against Alexander Gardner.

Minute Book. Rebellione: Patrick Frieland against Robert Alexander.

Rebellion: Edmond Graden against Archibald Ramsey.

Oppression: Walter Turnbull against Johne Beatoun.

Act in favouris of Sir James Johnstoun upon his exhibition of Cristie Armstrang befor the Councill.

Fol. 9, b. Oppressione: Mr Alexander Ireland against Sir Johne Crichtoun and utheris.

Ryott: James Adamsoun against Johne and James Dumbaris.

Rebellion: David Neilson against William Douglas.

Proces: the Lord Hereis against Sir James Johnstoun, for exhibitione of James Johnestoun and other rebellis befor the Counsell.

Suspensione: William Maxwell against Robert Johnstoun.

Suspension of lawburrows: Johne Dunlop against Jonet Currie, *et e contra.*

Suspension of lawburrows: Johne Grant against William Hay.

Rebellione: Robert Johnstoun against Charles Murray.

Suspensione: Johne Alexander against the presbetrie of Paisley of ane act to give his oath anent his alledged adulterie.

Proces: the Lord Newbotle against Sinclar of Roslin and utheris for killing of wyld foull upon his propperty.

Ryott and wearing forbiden armour: Robert Johnstoun against Mr Johne Cheyne, &c.

Rebellion: Andro Gray against Alexander Broun.

Ryott: Patrik Hepborne and Thomas Knox against David Craw.

Suspension: Thomas Kirkpatrik against Thomas Gilchryst.

Letters of denunciatione: Patrik Storie against Walter Scott.

Suspensione: Williame Ramsay against Patrik Storie.

Act whereby Gordon of Lochinvar and Stewart of Garlees submittis the matteris debatable betuixt them to freindis.

Proces of convocation: Allan Lokhart against Mr William Kennedy, *et e contra.*

Ryott: Patrik Woddell against Thomas Russell.

Act for citeing of Ker of Litledean at the instance of Sir Raulph Gray.

Rebellion: Hendry Hoom against Hendry Sinclar.

Rebellion: James Carmichaell against Alexander Livingstoun.

Rebellion: Leonard Bart against William Ruthven.

Rebellion: Johne Gray against George Jardin.

Act discharging the apprehending or manteaning the possessione of landis debatable betuixt Scottis and Inglismen be violence.

Rebellion: James Fentoun against Mr William Gordon.

Rebellion: Johne Aitkin against Thomas Andersone.

Ryott: Advocatt and Mr Robert Cathcart against Roger Bryan.

Ryott: Advocat and Robert Johnstoun against Johne Gordon.

Oppressione: Edward Graham against Luk M^{c}Crarie.

Ryott: Thomas Meggott against Andro and Thomas Ramseyes.

Suspension: Gilbert Cranstoun against Mr William Lesly.

Minute Book. Fol. 10, a.

Oppressione: Johne Howison against Edmond Smith.

Rebellion: Johne Muir against Johne Cochran.

Acts for pacifieing of the rebellis in the Lewes.

Ryott: Helen Eistoun against Peter Lourie.

Proces: Advocat against the magistrattis of Aberdein for reparatione of ther ward houses.

Rebellion: Simon Graham against Robert Hamiltoun.

Proces: Harbret Maxwell against Edward Armstrang for exporting nolt furth of the cuntrey.

Act ordaining publication of deserting of the dyett of the meitting of Parliament to have bene in August thairafter.

Rebellion: David Colyear against Georg Martin.

Rebellione: Hew Scott against James Tueidy.

Act for raising diligence: William Campbell against Thomas Jardin.

Rebellion: Johne Crystisone against William Moutrey.

Protestatione: Alexander Cuthbert against Kathrin Dumbar.

Rebellion: Robert Johnstoun against Sir Andro Ker.

Rebellione: Andro Ratt against Mr Gilbert Jardin.

Letters: Duncan Gordon against Lauchlan Glasse for exhibiting of Allan Johne Dow M^{c}Ronald, rebellis [sic], before the Counsell.

Suspensione: William Gordon against James Fentoun.

Ryott and wearing of pistollis: Advocat and James Graham against James Johnstoun, &c.

Proces: Alexander Smith against the baylies of Dundie for permitting of Johne Stewart to escap out of prison.

Oppressione: William Wilsone against Harbret Maxwell.

Complaint of rebellione: Johne Wilsone against William Hoom.

Wrongous imprisonment: Andro Lokhart against the baylies of Leith.

Rebellione: Robert Erskein against the Countes of Atholl.

Suspension: Mistres Issobell Hoom against the Lieutenent of the Guard.

Proces: Elizabeth Stewart against William Maxwell, to desist from possessione of the landis of Newbie.

Rebellione: Alexander Hutsone against Mr James Stewart.

Act ordaining the Sherefdom of Dumbarton to furnish the Comptroller with 100 men for a certane space for his Majesteis service in the Illes.

Proces: Dumbar of Burgie against Colin Campbell, for exhibitione of Johne Glasse and utheris theives befor the Counsell, as being thair maisteris or landlordis.

Suspension of lawburrows: Johne Cunyngham against James Cunyngham.

Rebellione: James Ramsey against Thomas Forrester.

Rebellione: Robert Monteith against Thomas Livingstoun.

Rebellion: Andro Hoppringle against Thomas Ker.

Letters: Robert Torrie against Williame Rosse, for exhibiting of Alexander M^{c}Craurie and utheris theives befor the Counsell.

Minute Book.

Letters: Mr James Dumbar, &c., against Dollace of Contra, and for exhibiting of Hucheoun Dollace and utheris befor the Counsell.

Suspension: David Strang against the baylies of Pittenweyme.

Rebellion: Johne Monteith against Captain Patrik Herring.

Rebellion: Simon Purdie against the Lord Livingstoun.

Suspensione: Walter Scott against Patrik Storie.

Suspension [of] lawburrows: Andro Wardlaw against Patrik Hakett.

Diligence in the actione perseued be Robert Smith against the Maister of Gray.

Sederunts, Fol. 43, a.

Sederunt—Commissioner; Chancellerr; Errole; Lynlythgow; Elphingstoun; Newbottle; President; St Androis; Ros; Dunkeld; Blantyre; Halyrudhouse; Master of Elphingstoun; Advocate; Collector; Clerk of Register; Loureistoun; Brintiland; Fostersait; Elimosinar; Sir Johnne Arnott. 1st August 1605.

Skene Abridgment.

Charge against certaine ministeres [for their concern in the late Assembly at Aberdeen].

The Lords of Secret Councill ordains letters to be direct to officiars of armes, sheriffes in that pairt, charging thaim to pass, comand and charge Mr Archbald Blackburne, minister at Aberdein, Mr James Ross, minister thair, Mr Charles Ferme, minister at Fraserburgh, Mr Robert Youngsoun, minister at Clet, Mr James Milne, minister at Innerugy, Mr Alexander Scrogy, minister at Skeyne, Mr David Robertsoun, minister at Fetter-Angus, Mr Robert Reid, minister at Banchrie-Ternan, Mr James Irving, minister at Touch, Mr John Munro, subdean of Ross, John Rothy at Nyg, Mr William Forbes, minister at Kinbethok, Mr William Davidsoun, minister at Rathan, to compeir personallie befoir the Lordis of Secret Councill upon the 29 day of August instant, to ansuer to sic things as salbe demandit of thaim and layd to ther charge, tuiching the unlawfull Assemblie haldin and keipit be thaim at Aberdein upon the 2nd day of July last, quhat wes thair behaviour in that Assemblie, and quhat wes proceidit thairin and hes followit thairupon sensyne, under the pain of rebellion and putting of thaim to the horne, with certificatione to thaim and thai failyeit letters sould be direct simpliciter to put thaim thairto and to escheat, &c.

Charge against certane ministeres [in the same matter].

The Lords of Secret Councill ordains letters to be direct to officiars of armes, scheriffis in that pairt, charging thaim to pass, comand and charge Mr Thomas Abernethie, minister at Hawik, Mr James Greg, minister at Lowdoun, Mr Nathan Inglis, minister at Erthry, Mr Abraham Henderson, minister at Quhithorne, Mr John Young, minister at Beith, John Ross, minister at Blair, Archibald Dunbar, minister at , Mr Robert Mure, minister at , to compeir personallie befoir the Lords of Secret Councill upon the 29 day of August instant, to ansuer to sic things as salbe demandit of thaim and layd to thair charge, tuiching the unlawfull Assembly halden at Aberdein upon the 2nd day of July last, and tuitching thair repaireing to Aberdein ane day or tua thairafter of purpose to have assisted that Assembly with thair presence, and tuiching thair approving

and allowing of the haill proces and proceidings in that Assemblie and quhat hes followit thairupon sensyne, under the pain of rebellion and putting of thaim to the horne, with certification to thaim and thai failyie letters salbe direct simpliciter to put thaim thairto, &c., and to escheat, &c. Skene Abridgment.

[Master of Orkney.] John, Master of Orkney, ordained to be apprehendit by the Captane of the Guard for not payment of 1100 merks to John Paterson, merchant in Edinburgh.

Anent [feud between the Lairds] of Edzell and Pittarro. The quhilk day the Lords of Secret Councill, for eschewing of convocation and disorder at the day of law betuixt the Lairds of Edzell and Pittarro, ordanis and commands the baillies of Edinburgh to caus put a guard of honest men to thair porte upon Tuesday the sext of this instant and upon the morne thairafter, and to gif speciall direction to thaim that thai suffer nane to enter at thair portis with convocation or in armes, and that thai take a speciall note of the haill persones that comes into the said burgh for keiping of the said day of law, and give up thair names to the Counsall, to the effect thai may be callit and convenit for convocation against the lawis and Acts of Parliament and proclamations publist in the contrair.

[Still anent the feud between] Edzell and Pitarro. "Forsamekill as the Lords of Secret Councill are surelie informit that thair is a grite number of persons of all degreis and rankis preparit to come to this burgh of Edinburgh for assisting the day of law betuixt the Lairds of Edzell and Pitarro upon the 7th day of this instant,—quhairby the ordinar course of justice is lyke to be interuptit and hinderit,—and seing sic unlawfull convocation and baking is very offensive to his Majestie and carryes a very grite contempt of his Hienes authoritie and lawis, and the principall parties having already given up sick numbers as thai have written for and are desyreous to have for assisting of thaim as proloqutors, not exceiding the numberis appointit and prescryvit be the Acts of Parliament, viz., the persewer, 4 persons, and the defender 6 persons: the Lords of Secret Councill hes thairfoire resolved to punish maist examplarlie all sic otheris persons as sall presume to come heir for the cause forsaid, and for this effect ordanis heraulds, messengers, or officiaris of armis to pass to the mercate croce of Edinburgh, and that [? thair] be open proclamation to comand, charge and inhibite all and sundry our Soveraine Lords leidges and subjects, of quhat estaite, qualitie, or degrie soever thai be of, that nane of thaim presume or take upon hand to repair to the said burgh of Edinburgh for assisting ony of the saids pairties at the said day of law, exceptand alwyse the particular persons written for be thaim to be thair proloqutors,—viz., for the Laird of Edzell, the Marques of Hamilton and Huntly, the Earls of Crawfurd, Marr, and Glencairne, and the Lord Abercorne, and, for the Laird of Pittarro, the Earls of Angus and Linlithgow, the Master of Montrose, the Lords Oliphant and Abercorne (it is so in the Register),—and that thir proloqutors come in peaceable and quiet maner, with thair houshold men and servants allenarlie, under the panis contained in the Acts of Parliament made anent convocatione of his Majesties ledgies, to be severlie execute upon them."

Recovered Fragments of Acta 1605–6. Page 329.

Thomas Hodge against Robert Ross and others for assault and spuilyie: Defender assoilzied.

[Imperfect record.] Complaint that Robert Ros, having conceived deadly malice against Thomas Hodge, sought him for his slaughter between the burgh of Linlithgow and his own house at the mill of Houstoun several times in June, July, and August 1604; that, upon 18th March last he waylaid complainer between the burgh of Edinburgh and Water of Leith, invaded him there with a drawn sword, and would have slain him but for the "providence of God and his awin bettir defence"; further, that the said Ros and certain others associated with him, knowing that the complainer and his friends were in Edinburgh on Monday, 25th March last, the principal weekly market day of the said burgh, followed and overtook them while they were returning home a little be-east the town of Corstorphin, under the lands called the East Craigis, belonging heritably to Haric Forrester of Corstorphin, and there, all armed and well horsed, assaulted them with drawn swords, whingers, and batons, violently put them off their nags, gave the said Thomas six or seven bloody wounds on the head, broke his right arm and "put the same furth of joyntour," and left him for dead,—also spuilying from the

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complainer and his companions their swords and whingers, and from complainer his purse containing £20.—Both parties appearing, the Lords assoilzie Ros, because Hodge has failed in proving any point of his summons.

[Same transaction recorded and commented on thus in the *Haddington MS. Excerpts*:—]

Haddington MS. Excerpts. Fol. 343, b.

Hodge contrair Clerk: ane of the defendars examined aganis his complices.

Thomas Hodge at Houstounmill haveing persewed Robert Clerk, Robert Ros, and James Mure, for hurting and oppressing him, and having deduced probation aganis James Mure, compeirand, and provin [the same] aganis him, [the case had stopped there] becaus Robert Ros wes than excused be seiknes. [But], he thairefter compeirand, ane day wes assigned to the persewar to preive aganis him, and he fand caution to compeir at the day. The persewar having onlie summond twa witnessis, whairof the ane preived nathing, Sir Johne Scharpe, maister to the persewar, desyred the depositions of the witnessis examined of before aganis James Mure to be repeited aganis Robert Ros; whilk wes thocht hard, becaus thay wer not ressaved aganis Robert Ros. Lykwayes Sir Johne desyred Robert Clerk, pairtie, to be examined aganis Robert Ros,—whilk wes done, albeit aganis all forme; and notwithstanding thairof the said Robert Ros wes assolyied.

Recovered Fragments of Acta 1605–6, Page 330.

Cunningham of Tourlands against Umphra Jardine for assaulting a sheriff-officer.

Conform to the term assigned to Alexander Cunynghame of Tourlandis for proving the points of a summons raised by him against Thomas Jerdane, younger of [Birnok], and Umphra Jerdane in Glencapill, touching their invasion and hurting of Thomas Nevene, sheriff in that part, while the said Nevene was employed by the said Cunynghame in executing the

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summons against them, both parties appear. Pursuer having passed from the complaint against Thomas, and Umphra having produced a letter under the great seal remitting to him divers crimes specified in the said letters, the Lords find that the said remission takes not away the satisfaction to be made to Nevene. They therefore ordain Umphra to pay to Nevene

£40 for assythement and to be committed to ward in tolbooth of Edinburgh till he pay the same. Recovered Fragments of Acta 1605–6.

Protest in favour of Sir John Charteris, who has entered certain Jardines.

Sir Johne Chairterhouse of Amisfeild, appearing and having entered Thomas Jerdane of Birnok, and Umphra and Alexander Jerdanis, his sons, protests that he has satisfied the Act obliging him for their entry this day.—The Lords admit the protest, and ordain them to be warded in the tolbooth of Edinburgh till they find caution, each in 500 merks, to answer upon 14th November to the complaint against them by William Campbell of Kelwode.

Edinburgh, 2nd August. Act anent Mr Robert Durie and uthers [committing them to ward for their concern in the late Assembly at Aberdeen].

"Anent the chairge gevin be virtew of oure Soverane Lordis letters to Mr Robert Durie, minister at Anstruther, Mr Alexander Strauchane, minister at Creich, Mr Andro Duncane, minister at Carrell, and Mr Johnne Schairp, minister at Kilmany, to have compeirit personalie before the Lordis of Secrite Counsale at ane certane day bygane, to have ansuerit to sic thingis as sould have bene demandit of thame and layd to thair chairge, tuich[ing] the unlauchfull Assemblie haldin at Abirdene in the moneth of Julii last, and quhat wes thair behaviour in that Assemblie, [and] quhat hes bene directit, procedit, or followit thairupoun sensyne, and to have undirlyne sic ordoure as sould have bene tane thairanent, undir Page 332. the pane of rebellioun and puting thame to the horne, with certificatioun to thame and they failyet letters sould be direct simpliciter to put thame thairto, lyke as at mair lenth is contenit in the saidis letters, executionis, and indorsationis thairof. Quhilkis being callit, and all the saidis personis compeirand personalie, and being particularlie examinat upoun the forme and maner of thair convening and halding of the said Assemblie, and gif they think the same to be a lauchfull Generall Assemblie, they all confessit and declairit that they wer present at the said Assemblie and that they think the same to be a lauchfull Generall Assemblie. In respect quhairof, ordanis thame to be committit to waird within the Castell of Blaknes, thairin to remane upoun thair awne expenssis ay and quhill they be fred and relevit be the Kingis Majestie and his Counsale, and that they entir thair personis in the said waird within xxiiii houris nixt efter the dait heirof, undir the pane of horning."

Edinburgh, 6th August. The day of law betuix Edzell and Pittarro ordanit to desert.

"Forsamekle as the Lordis of Secrite Counsale for certane gud caussis and considerationis hes thocht meit and ordanit that the day of law betuix the Lairdis of Pittarro and Edzell, and utheris thair freinds, appointit to the sevint day of August instant, sall desert and ly over to a new wairning: and thairfoir the saidis Lordis ordanis ane herauld or officiar of airmes to pas to the mercat croce of Edinburgh, and thair be oppin proclamatioun make publicatioun heirof to all haveand entres, quhairthrow nane pretend ignorance of the same, and to command and chairge [all] and sindrie personis quha hes come heir for assisting of the saidis pairteis that they within xxiiii houris efter the publicatioun heirof depairt furth of this burgh, every ane [to] thair awne home and dwelling

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as they will ansuer [to the Councill] upoun thair obedience at thair heichest perrell."

Edinburgh, 7th August. Charge to the Commissioners of Burghs [in the matter of the election of two commercial commissioners to be sent to France].

Forsamekleas, in the conferrence and treaty of the [Union] of the two kingdomes, thair wes ane article proponit and assentit to, that before the nixt sessionis of the Parliam[ents] thair sould be sent foure meit and discreit personis into [France], tuo for athir syde, to tak perfyte notice of ony sic a[dvantage] as ather the Scottis hes abone the Inglische or the [Inglische] abone the Scottis in the bying and transporting of [ony commodities] of Normandie or ony pairt of France
Page 333. (except [the trade of] wyne at Burdeaux), to the end that, [quhat thai suld find the][1] advantage to be, some course mycht be proponed to the Parliamentis for making of the trade equall in proportioun ansuering to sic advantage; and, albeit thair be two meit and sufficient merchantis choisin and selectit for the Inglische syde, and in reddynes to pas to France, nevirtheles the Lordis of Secrite Counsale ar informit that the commissionairis of the burrowis of this realme, quhom this mater properlie concernith, hes not maid choise of thair men, quhairby that article of the said treaty is lyke to be frustrat without remeid be providit: thairfore the Lordis of Secrite Counsale ordanis ane maiser to pas and in oure Soverane Lordis name command and chairge the commissioneris of the burrowis presentlie convenit that they, afoir thair dissolveing and within the space of sex houris efter the chairge, nominat, select, and mak choise of twa sufficient and meit personis to be authorized with thair commission to pas into France to the effect foirsaid, and that they dispatche thaim upoun thair chairgeis and expenssis with all guidlie diligence to repair to England, to the effect they and the Inglishe commissionairis may pas togidder into France about this service, seing the nixt sessioun of the Parliamentis now drawith neir, undir the pane of rebellioun and putting of the saidis commissioneris of burrowis to the horne, and, gif they failyie, to denunce thame rebellis and put thame thairto."[2]

Edinburgh, 8th August. Proclamation against justification by speech or otherwise of the late unlawful Assembly at Aberdeen.

"Forsamekle as, albeit the Kingis moist excellent Majestie, be ane speciall article signed with his Majesteis awne hand and send hame with the Laird of Lowrestoun, his Majesteis commissionair, signifeit his Heynes will and pleasour that his Majestie for mony guide caussis could not be resolved anent the tyme of the Generall Assemblie afoir the approacheing Parliamentis, and in that, in vertew of the said warrand, the Commissionairis of the Generall Assemblie, according to his Majesteis gratious pleasour, acquentit tbe presbitereis of this realme with his Majesteis commandiement in that mater, and willit and desyrit thame to forbeir all convenying, meeting, [or] keiping of the said Assemblie, nevertheles a verie

[1] The words within square brackets are supplied from the *Skene Abridgment.*

[2] Connect with this entry the Letter from the Council of England to the Scottish Privy Council of date "Whitehall, July 1605," and the reply thereto, given among the *Royal and Other Letters.*

few nowmer [of] the ministerie, led with the spirite of dissobedience and contempt [of] all lauchfull authoritie, maist unlauchfullie and contempt-uouslie [conv]enit thameselffis within the burgh of Abirdene upoun the [secund] day of Julii last, and, misregairding the former dischairge [given] to thair presbitereis, the letters of horning execute aganis [thame]selffis, with the Counsallis missive deliverit be his Majesteis [commission]air, they not the les proceidit to the halding of ane [Assemblie] in sic forme as nather the absence of the best of the [ministers], quha wald attempt nothing mycht be offensive to his Majestie or prejudiciall to the authoritie and power of that solempne meiting, nor his Majesteis commissionair disassenting that anything sould be done thair, could mak thame to dissolve quhill first they had maid electioun of thair moderatour and appointit ane new day for the nixt Assemblie. And, they knawing that thair inordinat meiting, quhilk wes assisted with sa few a nowmer of the ministerie and that of the maist ignorant and leist accompt, could not have the ground nor warrand of a law, and that thay could not, be ony law, practique, or custome or [? of] ony uther Reformed Kirkis in Europe, justifie and approve thair doingis,—lyke as the haill Commissionairis of the Generall Assemblie, having assembled thameselffis thairefter, and efter dew consideratioun of thair folische proceidingis, fand the same to be na lauchfull Assemblie and alluterlie disallowit the same,—the saidis ministeris thairfore, in forder contempt and disdaine of our Soverane Lord, his Counsale and Commissionairis, haveing continewalie sensyne busyed thameselffis in solisting and procureing the approbatioun, consent, and allowance of the haill presbitereis of this realme to thair insolent and unlauchfull proceidingis, mynding thairby to mak thair privat and moist factious proceidings to be a commoun caus of the haill Kirk, and be solisting of sic unlauchfull approbatioun of the prisbitereis to pervert the haill ordour of ane Generall Assemblie, quhairin not onlie the personall presence of the haill or maist pairt of the commissioneris of the prisbitereis of this realme is alwyse necessar and without the quhilk thair cannot be ane Assemblie, bot the consent of his Majestie, or his Commissionair being present, is requisite. And sua, as they begane with contempt of his Majestie and [brek] of the law, evin sua this unlauchfull course and pro[gres of] thair proceidingis tendis to nothing ellis bot to heipe contempt upoun contempt and will produce forder inconvenientis w[ithout] remeid be providit. Thairfore the Lordis of Secrite [Counsale] ordanis letters to be direct to command, chairge, and inhibite the haill sinodis, presbitereis, sessionis of kirkis, and [ministers] within this realme, be oppin proclamatioun at [the market] crois of the heid burrowis of this realme and [other pla]ceis neidfull, that nane of thame presume [nor take upon] hand, privatlie nor publicatlie in thair sessions [and meetings], nor in thair conferrenceis, sermones, nor na u[ther maner of] way, to authorize, approve, justifie or al[low the said un]lauchfull meiting and Assemblie at Abirdene, [nor yit to] mak ony act thairupoun, nor to do ony uther [thing private] or publict quhilk may seame to counten[ance the said unlawfull]

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Assemblie, undir the pane to be repute, [haldin, and estemit and] persewit as guilty of that unlauchfull [meiting, and to be punisht] thairfore with all rigour. And siklyke to [command and charge] all and sindrie noble-

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men, barronis, ge[ntlemen, magistrates, and][1] all utheris oure Soverane Lordis leigeis quha sall happin to be present and heir ony ministeris in publict or privat conferrences and speitcheis, or in thair sermonis, to approve and allow the said unlauchfull Assemblie, raile or utter ony speitcheis aganis his Majesteis royal commandiementis or proceidingis of the Counsale for punischeing and suppressing of sa haynous enormiteis, that they mak relatioun and reporte thairof to his Majesteis Counsale and furneis probatioun, to the effect the same may be condignelie punist, as they will ansuer to his Majesties Counsall thairupoun : certifeing thame quho sall heir and conceale the saidis speitcheis that they salbe estemit as allowaris of the same, and salbe accordinglie tane ordour with and punist thairfoir without favour."

Commission of lieutenancy in the West Isles and Kintyre to the Lord of Scone.

" Forsamekle as, the Lordis of Secrite Counsale considering the wicked and unhappie dispositioun of the maist pairt of the inhabitantis of the South and North Kintyris and of the West Ilis of this realme, quha being void of the feir and knawlege of God and of all dew reverence and obedience to the Kingis Majestie, his authoritie and lawis, they delyte in nothing bot in blude, thift, reiff, and oppressioun, and besydis they violentlie posses ane grite pairt of his Majesties awne proper landis and patrimonie, and are avowed enemeis to all lauchfull trade and trafficque in thay pairtis, sua that the commoditeis of cornis, stoir, and fischeing quhairwith that countrey is maist aboundantlie and plentifullie enricheit doith altogidder perische and vanische away, to the offence of God, dishonnour of the natioun, and hurt of the commounwele; and the Kingis Majestie, our moist gratious Soverayne, foirseing that it can nawyse stand with his Heynes honnour, dignitie, and estate that any pairt of his Majesties dominionis and impyre salbe sa rebellious and disobedient, his Majestie having sufficient power and forces be sey and land to mak the outmoist pairtis and bordouris of his Majesteis dominionis ansuerable and obedient: it [hes] pleasit his Majestie thairfore to give a speciall commission [to] his trustie consellour, David, Lord of Scone, his Majesteis [comp]trollair, to repair to the saidis West Ilis and Kintyre, [and] thair be the force and concurrence of his Majesteis gude [subj]ectis to tak ordour alsweille for reduceing of thay pairtis to [his] Majesteis obedience and establischeing of peace, justice, and [quietn]es within the same, as for making of a constant and sure [rentall] of his Majesteis said propertie and assureing the payment [thairof] to his Heyness use. And, the Lordis of Secrite Counsale [willing] to assist the said Lord Comptrollair with all sic power [and authoritie] as may further the effectuall prosquutioun and execu[tion of his] Heynes directioun in this mater, thairfore they [make and] constitute, and be

[1] The words enclosed in square brackets are taken from the *Skene Abridgment.*

the tennour heirof makis and constitutis, the said David, Lord of Scone, lieutennent, justice, and commissionair in that pairt within the boundis particularlie abonewrittin, to the effect following. Gevand, grantand and committand to him full power, commissioun and authoritie, to repair to the boundis abonewrittin, accumpanyed with his Majesteis guide and loving subjectis quha be proclamatioun are subject to that service, and to call before him the haill inhabitantis within the saidis boundis or sa mony of thame as he sall think expedient, and to tak sic suirtie of thame for his Majesteis obedience as may best stand with the peace and quietnes of the cuntrey; as alsua to chairge the haill inhabitantis within the saidis boundis quha possessis ony pairt of his Majesteis landis and patrimonie to produce thair haldings, rychtis, and securiteis before him at sic dayis and places as he pleissis appoint, and to sicht and considder the saidis rychtis and securiteis, and to tak a speciall note of the haill effect, tennour, and substance thairof, and reporte the same to the Counsale; with power alsua to him to set in feu, rentall or assedatioun his Majesteis saidis landis for sic reasonable maill, ferme, and dewtie as is ansuerable to the availl of the lands, or utherwyse as they may get the same done, and to mak and subscryve infeftmentis, chairtouris, rentallis, and takis thairupoun in dew and ample forme, with all easymentis requisite and necessar. And, in cais ony of the inhabitantis within the saidis boundis sall refuse to come in and rander thair obedience, with power to the said lieutennent, justice and commissionair to hunt follow and persew thame, thair assisters and perttakeris, with fyre and swerd, and to tak thair [housses], asseidge and persew the same gif neid beis, raise fyre [and] use all force and hostilitie that can be had for wy[nning] and recoverie of the same. With power alsua to the [said] Lieutennent to pas, searche, seik, and tak all and sindrie personis within the saidis boundis quha are suspect, dilait, and gilty of ony capitall cryme importing lyff [or] member, quhairevir they may be apprehendit, and to put, hald, and detene thame in sure firmance quhill [justice be ad]ministrat upoun thame conforme to the lawis [of this realme]; and, for this effect, to fens and hald courtis [and to creat] officeris and memberis of court neidfull, [assizes, ane or as] oft as neid beis, ilk persone under the pain [off 40 lib.], to summond, wairne, cheis, and cause be sworne, [and unlawis, amer]chiamentis, and escheitis of the saidis courtis [to ask, lift,] and raise, and for the samyn, gif neid beis, [to poynd and] distreinzie, and the same unlawis, togidder [with the escheats] of the haill personis quha salbe convict [be ane assize, become] in will or fugitive fra the lawis for [the saids crymes, to] the said Lieutennentis awne use for his [labours to apply]. With power alswa to him to grant [licences to whatsomever] personis to burgh and land he sall think meet for remayning and abyding at hame fra the service upon sic conditions as thai can aggrie. And, generallie, to do, use, and exerce all and quhatsumever things quhilks to the office of ane liuetennent is knawne to pertein, firme and stable haldand [? and] for to hald all and quhatsumever things salbe lawfully done heirin: charging heirby all and sundrie our

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Skene Abridgment.

Soveraine Lords leidges and subjects to reverence, acknawledge, and obey the said Livttennent in all things tending to the executione of his commission, as thai and ilk ane of thaim will ansuer to his Majestie and his Councill at thair highest perrell. This Commission for the space of 3 moneths after the daite heirof, [bot revocation, to endure].[1]

Caution for Lindsay of Edzell.

Sir [? David] Carnagie of Kinnaird, John Levingstoun of Dunypace, and Walter Blair of Bagillo are cautioners that Sir David Lindsey of Edzell sall not invade Sir John Wisehart of Pittarro, and that after he is relieved out of waird he sall keip waird at Montrose and 3 myles thairabout, and that he sall subscryve a submission betuixt and the 12th September nixt or re-enter prissoner in Dumbarton Castell, under the pain of 20,000 lib., and under the lyke penalty if he invade Pittarro.

Caution for Wishart of Pittarro.

Alexander Guthrie of Kincaldrum, George Affleck of Balmain, and James Maitland of Lethingtoun are cautioners that Sir John Wisehart of Pittarro, and John, his eldest son and apparent air, sall not invaide the said Sir David Lindsay, and after his releife out of ward he sall goe and keip waird in Dundie and 3 myles thairabout, and sall also subscryve a submission or re-enter prissoner in Blacknes, under the penalties forsaid.

Sederunts. Fol. 43, a.

Sederunt—Commissioner; Angus; Dunbar; Newbottle; President; Scone; Dunkeld; Blantyr; Privy Seal; Advocate; Collector; Quhittinghame; Brintiland.

Holyrood-house, 15th August.

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[Imperfect record of some order to the Captain of the Guard] as he will answer to the Lords for the dutiful discharge of his office.

King's Treasurer and skinner craft against John Taylor for illegally exporting skins: Decree for the defender, on the ground that he meant to export the skins to England, and that there is now free trade between the kingdoms.

Complaint by George, Earl of Dumbar, treasurer, and Sir Johnne Arnote, his depute, for his Majesty's interest, and by the deacons and other brethren of the skinner craft for their own interest, that, notwithstanding the Act of Parliament (1593, c. 36, iv. p. 29) discharging all exportation of "schoirling skynis, calff and kid skynis and hudderonis," under pain of confiscation of the goods and punishing of contraveners in their persons, yet Johnne Tailyeour, with some of his associates, lately gathered together a great number of schorling skins and shipped the same, of purpose to export them. Of these skins the pursuers seized about

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500; and they have arrested the remainder in the ships.—Both parties appearing, and also George Wadie, deacon of the skinners, and the defender having contended that the said goods ought not to be stayed or arrested, because he and the owner of the goods were minded to export them to England, and by an article in the Treaty of Union the commerce and traffic between the two kingdoms is made free (Acts of Parl. iv. p. 368), the Lords ordain the pursuers to restore to the defender his said skins,—he finding caution in £200 to make the same furthcoming if required, and that they shall be exported to England only.

For satisfaction of that article in the Treaty of the Union which

[1] The words enclosed in square brackets are taken from the *Skene Abridgment*, a gap of two folios following at this point of the Register.

In the matter of the selection of two persons to go to France, on the part of the Commissioners of Burghs, for commercial inquiries ordered by the Treaty of Union.

ordains two commissioners to be sent to France for reporting on the relative advantages of Scotland and England in buying and exporting goods furth of France, the Commissioners of Burghs have nominated two wise men to the effect foresaid, and have borrowed 2000 merks; which, with the interest thereof and the expense of ingathering of the said sum, will extend to . Now, "albeit this be a commoun turne of the burrowis quhilk onlie concerneth thair estate" and therefore all the burghs should contribute to the payment of the said sum, yet they refuse to pay their parts of the same. Accordingly, the Lords of Secret Council ordain letters to be directed charging the provosts and bailies of the whole burghs to pay to the collector appointed for receiving the said sum the share thereof allocated to each of them, within six days after the charge, under pain of rebellion.

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Sentence against Mr Robert Bruce, minister: ordering his confinement in Inverness for continuing to discredit the Gowrie Conspiracy, and generally for his continued opposition to the proceedings and policy of his Majesty in Scotland.

"Forsamekle as, albeit the moist detestable and horrible treasoun conspyrit be the traytour Gowry and his brother aganis the sacred persone of oure moist gratious Soverayne be evident and manifest to the conscienceis of all his Majesteis guid subjectis, and that his Majestie hes gevin moist cleir testimoneis for removing of distrust of all these quha, by curiositie, privat affectioun, or prepoisterous opinionis, wer caryed and led in that mater, nevirtheless, Maister Robert Bruce, minister, apprehending a maist sinister distrust and opinioun of his Majesties sinceritie in that mater, notwithstanding of all the evidenceis quhilkis in reasoun mycht have gevin unto him contentment thairin, he hes continewalie sensyne not onlie remanit constant and resolute in his distrust, bot be his behaviour and conferrenceis in privat and publict meitingis and assembleis he utteris and publictlie avowis his said distrust, drawing thairby away simple and ignorant personis to harkin unto him and in some measour to favoure his opinioun. For the quhilk he being moist justlie and worthelie banischit this realme and found unwirthie of the ayre of his native cuntrey, yit oure moist gratious Soverayne, quha in his actionis, especialie with these of the ministerie, hes evir kythit himselff a moist clement and mercifull Prince, seiking rather by fair [and] gentill meanis to move thame to be conformable then be exe[cutio]un of the law to punische thair offences, recallit him, [hoping] that at lenth he sould have acknawlegit his errour [and given] unto his Majestie satisfactioun. And now, his Majestie [persaving] cleirlie that nather proces of tyme nor na uther [thing can] move the said Mr Robert to frame his opinionis [to the treut]h[1] and to procure his Majesteis obedience, bot that he, intertenying a maist frequent resorte alswele of memberis of the ministerie as of uther people towardis him, in all thair meittingis mellis in the effairis of his Majestie and his estate, sometyme discoursing upoun the proceidingis of his Majesteis Counsale, and sometymes censuring the doingis of the ministerie, foistering thairby factionis and divisioun in the Kirk and privat grudgeis and miscontentment aganis the present governament, his Majestie thairfore hes moist just caus to tak ordoure with him and to exyle him the haill

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[1] The words enclosed in square brackets are taken from the *Skene Abridgment*.

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boundis of his Majesteis dominionis. And yit, his sacred Majestie following his accustumat dispositioun and inclinatioun, quhilk hes evir tendit to pitye and not to punische, and abstening fra that rigour and extremitie quhilk the said Mr Robert maist worthelie merites, and nevirtheles willing to remove the occasioun quhairby he may pervert sic of his Majesteis subjectis as repairis to him, his Majestie hes commandit that he be wairdit within the burgh of Invernes quhill it sall pleis his Majestie to gif forder directioun towardis him according as he sall find his behaviour. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct chairgeing the said Mr Robert Bruce to pas and entir his persone in waird within the said burgh of Invernes, thair to remane upoun his awne expenssis ay and quhill he be fred and relevit be his Majestie and his Counsale, within ten dayis nixt efter chairge, under the pane of rebellioun."[1]

Mr John Lindsay against the Presbytery of Brechin: Presbytery discharged from proceedings against him.

Complaint by Mr Johnne Lindsay in Fynnachie:—He is burdened by the ministers of the presbytery of Brechin, under threat of excommunication, to "gif his aith upoun the cryme of adulterie" alleged to have been committed by him with Geillis Beg. Now, the crime being a capital one, the complainer cannot by any law or custom be bound to give his oath in such a case; and, moreover, the ministers of the said presbitery are not

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judges competent in this matter, but only his Majesty's justice,—criminal pursuit before whom "aucht to preceid ony censure of the Kirk."—The

[1] The main steps in the history of Mr Bruce's troubles with the King on account of his scepticism in the matter of the Gowrie Conspiracy may be traced in vol. vi., by means of the index, as far as to the time of the King's removal to England. At that time Mr Bruce had been left in Scotland, still considerably under the King's frown, still severed from his Edinburgh pastorship, and with no definite home or occupation, but at large on his good behaviour. Through the rest of the year 1603, it appears from Wodrow's sketch of his life (prefixed to the Wodrow Society edition of *Bruce's Sermons*), he "had nothing but peace," living partly at his house of Kinnaird, and preaching whenever he had opportunity; and, early in 1604, he had received an invitation to settle in ministerial duty in Glasgow, but had declined it, regarding his relation to Edinburgh as still subsisting by right. In the course of that year he was again in trouble with those "Commissioners of the General Assembly," who managed the Kirk in the King's interest, nominally on the old score of his offence in the Gowrie affair, but really for more general reasons; and "February 27, 1605," says Wodrow, "the Commissioners summoned him to hear and see himself removed from his function in Edinburgh. He compeared; and, after long reasoning with them, they inhibit him to preach. He appealed to the Assembly and still continued to preach. In July, Chancellor Seaton [*i.e.*, Dunfermline] sent for Mr Bruce, and told him he had a command from the King (no doubt at the instigation of the Commissioners) to discharge him from teaching; yet, he said, he would not use his authority,—only requested him to desist preaching eight or ten days, that he might get a new answer from Court." With this request Mr Bruce had complied; but his conscience had immediately rebuked him for doing so; and "that same week, when he went home, he preached to my Lord Elphinstone and his lady in the garden, for the Lord had visited them with the pestilence." The same story is told in Calderwood, vi. 278–9. It is evident that, just about the time of the prosecution of so many ministers for their concern in the attempted Aberdeen Assembly, the King remembered Mr Bruce and the probability of a new exertion of his anti-prelatical influence in connection with that affair. Hence the present order for his removal to the far north and seclusion in Inverness. "Upon the 27th of August," says Calderwood (vi. 291–2), "Mr Robert Bruce entered in Innernesse, and tooke instruments of his entrie; where he remained foure yeere, teaching everie Sabbath before noone, and everie Wednisday, and read the prayers everie other night at even." He had a long life of farther vicissitudes still before him.

pursuer appearing, but no representative of the presbytery, the Lords discharge the presbytery from further preceedings in this matter, because they have failed to appear this day as charged. Recovered Fragments of Acta 1605-6.

William Buchan and James Anderson against Samuel Keith and Gordon of Gight for non-payment of debts.

Complaint by Williame Buchane and James Andirsoun, burgesses of Abirdene, that Mr Samuell Keith, who had been put to the horn on 19th June 1602 for not paying them £ . . as the price of each boll of 20 bolls of meal bought by him from them, and that William Gordoun of Geycht, who had been put to the horn on 3rd April last for not paying them 200 merks with £54 as principal and 40s. for expenses, both remain at the horn unrelaxed.—The pursuers appearing by Robert Skene, their procurator, but neither of the defenders appearing, the Lords ordain the Captain of the Guard to apprehend defenders, remove their families furth of their houses, and inventory their goods for his Majesty's use. Page 346.

Home of Huttounhall sued, as depute warden of the East March, by George Seton and others.

Action by Johnne Home of Huttounhall against George Seytoun and Alexander Cluny in Tranent, and Alexander Thomesoun in Haddingtoun, as follows:—Alleging that they had obtained a decree of the Lords of Secret Council ordaining pursuer, as warden depute of the East March, to relieve them of the bill filed upon them by David Youngar in . . . ., extending to £1000, and also decerning against him for non-entry before the said Lords of Younger to answer concerning the said bill, they have charged him to make payment to them of the said sum, under pain of rebellion. Now, in the very time when the complainer should have appeared before the Council in this matter, Alexander, Earl of Home, principal warden, sent him on the service of the office to Jedburgh, promising to keep that diet in his stead. The Earl, at that same diet or at least the next Council day, brought with him the said David for his entry,—at which time the said Earl, and Sir Williame Seytoun, who pursued in name of the said persons, "pakit up this mater betuix thame," so that for three years complainer had never heard of that matter till now. Farther, complainer himself was a "moyaner and dealler for releif of the said personis, quhen they wer lyand for the said bill, and gat theme a verie grite ease," so that all they paid for the said bill exceeded not £220. Still further, the said David is answerable to the law, and the Commissioners of the Marches will enter him if required by the Lords of Secret Council. On these grounds the letters of horning against complainer should be suspended.—Complainer appearing and entering the said David, and Seytoun and Clunie being also present, but Thomesoun failing to appear, the Lords ordain Youngair to be committed to ward in the tolbooth of Edinburgh, and continue this action till the next Council day. Page 347. Page 348.

Decree against Mr Henry Blyth, minister of the Canongate, for seditious speeches in a sermon.

Complaint by Sir Thomas Hammiltoun of Monkland, his Majesty's Advocate, that, notwithstanding the Acts of Parliament forbidding any one, publicly or privately, in sermons, declamations, or familiar conference to utter false or slanderous speeches against the King or the Council, or to meddle in the affairs of State (1584, c. 8, iii. p. 296; 1594, c. 15, iv. p. 65), yet Mr Henrie Blyith, minister at the Cannogait, lately upon Sunday

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publicly, in his sermon made in ..... "Halyruidhous, utterit divers sclanderous and .... speitcheis aganis the proceidings of his ..., Counsale in the examinatioun and warding of [Mr Johnne] Forbes and Mr Johnne Welsche, ministeris .... undewtifullie, sclanderouslie, and contemptu .... effairis of his Majestie and his Heynes .... he publictlie utterrit and spak tha .... sould prepair himselff for the .... wes neirair nor they wer war [follows a gap of two folios in the Register ; but the *Skene Abridgment* supplies further information, as follows :—]

Skene Abridgment.

Mr Henry Blyth, minister at Cannogate, having in his sermon in July last at Holyrudhous used sclanderous speitches against the proceidings of his Majestie and his Councill, particularlie in the examination and warding of Mr John Forbes and Mr John Welsch, ministers,—[when] he publictlie said that everie good Christian sould prepare himselfe, for the day of persecution wes nearer than thai were ware of; that the persecution in the primitive Kirk against the Apostles began with thair barks, nixt be stryppis and whipps, and last to thair lyves; and now 2 bretheren, quhose labours had been as profitable in the Kirk of God as any other of thair profession, unheard were casten in dungeons and mair hardlie used than any of the land, not having the comfort to comon with ane another, albeit he doubted not, but wes assured, that thai would justifie that thair meeting and Assemblie at Aberdein and had sufficient [? authority] for the same,—the Lords fand that he had undutifullie mellit in the affairs of his Hienes estaite by uttering of diverse reproachfull speitches against the proceidings of his Hienes Councill in the examination and wairding of Forbes and Welsh, and thairfoir ordanis him to enter waird in Blackness Castell.[1]

[Earl of Glencairn against MacFarlanes.]

James, Earle of Glencairne, persews severall M^{c}Farlines for the robing of his tennents of Kilmarnock.

Earl of Glencairn's band for Hector Maclean of Duart.

Ditto [*i.e.*, Earl of Glencairn] having promised to David, Lord Scoon, comptroller, to keip in his company Hector M^{c}Laine of Dowart quhill the returne of the Lord Scoon fra his Majestie with the declaration of his Hienes pleasure anent the said Hector, and that quhen [? then] he sould produce the said Hector to the said Lord Scoon on a moneths premonition, and seing it wes permitted to the said Erle to gif an oversight to the said Hector to pass to his awn cuntrey for doing his affairs, the Earle obleist him to present the said Hector to the said Lord Scoon in Glasgow after his returne fra his Majestie, under the pain of 5000 lib.[2]

. . . . . .

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Order to apprehend William Wallace.

[Imperfect record.] Charge had been given to the said William Wallace to answer this day for his "proud and contemptuous rebellioun"; and now, the pursuers appearing, but not the said defender, there is order to the Captain of the Guard to direct some of his company to apprehend him, remove his family furth of his houses, and inventory his goods for his Majesty's use.

[1] For antecedents of this Mr Henry Blyth see vol. vi. by index.

[2] This transaction is dated in the *Skene Abridgment* at Glasgow 22nd August; but in the *Book of Sederunts* (fol. 43, b) it comes under the date 15th August.

[The *Minute Book of Processes* gives the following memoranda collectively for the month of August 1605:—] Minute Book, Fol. 10, b.

August 1605. Suspensione: Alexander Dumbar against Dumbar of Lochyellis.

Ryott: Robert Hodge against James Muir.

Oppressione and ryott: Somervale of Tarbrax against Bailye of Hillis, *et e contra.*

Precognitione against Sir James Johnnestoun and Maxwell of Newark.

Proces: Countes of Gourie and utheris against Johne Lindsey and utheris for marring ane high way.

Suspension: Thomas Jardin against Alexander Cunyngham.

Rebellion: Thomas Patersone against the Master of Orkney.

Suspension: Robert Rosse against Thomas Hodge.

Suspension: Robert Douglas against the Presbitrie Inverask.

Suspension [of] lawburrow: William Bonar against George Campbell.

Proces of rapt: William Hay against Johne Grant.

Suspension of lawburrows: Sir James Dundas against Johne Mitchelsone.

Ryott: Johne Penman against William Rutherfoord.

Rebellion: James Jardin against David Rosse.

Rebellion: Mr John Skeen against Sir Hary Lindsey.

Wrongous imprisonment: Adam Ortoun against Patrik Grant.

Rebellion: Johne Muir against Johne Meldrum.

Rebellion: William Moncreiff against Robert Graham.

Rebellion: Mr Richard Irwing against Robert Keith.

Act ordaining the Commissioneris of the Borrowes to choice two sufficient persones to passe to France with the two Inglishmen appointed for certifieing trad there, conform to ane treaty. Fol. 11, a.

Warrand for precognition against Maxwell of Cavers and Johnestoun of Myrheid.

Ryott: Alexander Broun against James Montgomery.

Ryott: Agnes Bellindain against Thomas Bellindain.

Oppressione: William Watsone against James Gordon.

Suspension: Johne Hoome against George Seatoun.

Complaint: Thesaurer against Johne Tayleour for exporting shorlin skines.

Rebellion: Mr Thomas Sandilandis against James Lindsey.

Ryott: William Horsburgh against Mr Johne Douglas.

Rebellion: William Buchan against Samuell Keith.

Suspensione: Mr Johne Lindsey against the presbetrie of Breichen, of ane proces of excommunication for adultery.

Oppressione: Sir Patrik Hoome against Sir George Hoome.

Oppressione and ryott: Mr Archibald Douglas against Alexander Horsburgh.

Band: Earle of Glencairn for produceing Hectour M^{c}Clean of Dowart befor the Counsell.

Minute Book.

Letters against the ministeris of Hamiltoun, Pasley, and utheris for delyverie of the moneyes contributed for the church of Geneva.

Ryott: Johne Whyt against James Riddell.

Proces: Earle of Glencarn against Andro Dow M^cFarlan for exhibiting of Patrik M^cWilliam, &c., befor the Counsell.

Instrument: Patrik Graham against James Innes.

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Edinburgh, 12th Sept.[1] Prohibition of holding the Assembly appointed by the late Aberdeen Assembly to meet at Aberdeen on last Tuesday of September: with orders to the Marquis of Huntly to prevent the meeting anywhere else in Aberdeenshire.

"Forsamekle as the lait pretendit Assemblie, quhilk wes keipit and haldin at Abirdene be a verie few nomber of the ministerie in the moneth of Julii last, is not onlie found and declairit to be unlauchfull,

[1] The historical gap in the official records between the last date there (August 15) and the present date (September 12) may be partly filled up from the continuation of Mr James Melville's *Diary*, pp. 581–612, and Calderwood, vi. pp. 292–332.—The subject of universal interest, of course, was the prosecution of so many ministers for the attempted General Assembly at Aberdeen on the 2nd of July. More particularly, people everywhere were talking of "the warded ministers," or those of the culprits who were already in prison for their offence viz.: Messrs John Forbes, John Welsh, Robert Durie, Alexander Strachan, Andrew Duncan, and John Sharp, all committed to Blackness Castle by order of the Council in the end of July and the beginning of August (*ante*, pp. 103–104, and p. 112). A new outbreak of the plague, which happened precisely at this time, was connected, by the popular superstition, with this violence done to six of the clergy. The last four of them had hardly been shut up in Blackness Castle, to keep company with the two already there, when, "evin on the morrow," says James Melville, "the plague of pestilence brak up in the towne of Edinbruche, Leith, and St Androis, and diverse uthir pairtis of the land, a verie feirfull thing; and, with the first, the Lord Chancelleris awin house infectit in Edinbruche, and betain [overtaken] with the penalty pronunced be Josua upon the building up of Jericho; for his eldest and only sonne died, and a young damosell, his neice: so that he wes compellit to dissolve his familie, and to goe with his wiff alone, as in hermitage, with gryt feir of the death of his daughter also, on quhom the byles [boils] brak furth. This was markit and talkit of be the peiple."—No one was more roused by the affair of the warded ministers, or acted more vigorously in their vindication, than James Melville himself. Besides doing his best on behalf of them and their cause in a meeting of the Provincial Synod of Fife, which was held at Inverkeithing in the beginning of September, he maintained a correspondence with them in their prison, and penned a long and elaborate *Apologie for the Prisoners of the Lord Jesus presentlie in the Castell of Blacknesse*, which may be still read with interest as a reasoned exposition of Presbyterian principles. More interesting in some respects, however, is another *Apology*, drawn up by the six warded ministers themselves, dated the 2nd of September, and forwarded to His Majesty. As telling the story of the Aberdeen Assembly far more clearly, and with far more exact detail, than any other document now extant, a portion of it may be quoted here:—"Now, we humblie implore your Majesties favour patientlie to heare the simple truthe of that which was done of all that came, both first and last, to that Assemblie.—As to these that came the first day, this is the whole substance and forme of their proceedings. After the sermoun, being purposed to beginne the Assemblie according to the order and custome of the Kirk, we missing the moderator, and supposing sindrie of our brethrein to be stayed by injurie of the weather, we conveenned in the kirk, with the Laird of Laurestoun, your Majesties Commissioner. By mutuall consent we continued our doun-sitting till two after noone; at which tyme we mett in more frequent number in the session-hous within the kirk of Aberdeen; and, immediatelie after incalling of the name of God by Mr David Rait, last moderator of the Provinciall Assemblie of Aberdeene, we sent for the ordinar clerk, who came to us. In the mean tyme the Laird of Laurestoun entered in our Assemblie, and, sitting doun among us, presented a missive letter from the Lords of your Majesties Secreit Counsell, directed to the ministrie conveening in their Assemblie at Aberdeen, desiring the same to be read and answered. To whom it was answered that, the said missive being directed to all, it could not be orderlie receaved, read, nor answered whill [*i.e.* till] a moderator was lawfullie chosin by the mouth of the whole, in respect it be-

bot alsua thair nixt meiting and Assemblie, quhilk at that same tyme wes appointit to be haldin at Abirdene upoun the last Tuysday of this instant, is dischairgit, and prohibitioun gevin to the magistrattis of Abirdene

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hoved the servants of Christ, conveened in his name, to doe all things in comelinesse and order. Wherupon, the Laird of Laurestoun having named Mr Johne Forbesse to be the mouth for the rest, yitt, seeing the Assemblie would proceed to an orderlie electioun, he removed himself, without anie urging of the Assemblie, or refusall by them of his presence, onlie of his owne accord, and that (as he himself declared) he might eshew to be querrelled for seeming to approve the said electioun by his presence in cace it sould happin that he and we could not agree. After his removing, we desired Mr Thomas Nicolsone, ordinarie clerk, to remaine with us to doe his office; who refused till he sould see how the issue of our doings sould content the Laird of Laurestoun, and so likewise removed himself. Therafter, Mr Johne Monro, Mr Johne Forbesse, and Mr Robert Durie, who were nominated upon the leit, being to remove, the Assemblie, willing to acquiesce to the Laird of Laurestouns nominatioun, did stay them, —all in one voice agreeing that Mr Johne Forbesse sould be moderator: this forme being before practised in the Generall Assemblie. And, after incalling of the name of God by him, we did choose Mr John Schairpe clerk for that tyme, receaving no new oath of him, in respect of the oath of faithfull obedience given by him at his entrie to the ministrie,—which is a commoun practise of the Kirk in their Assemblies. After the which electioun, the foresaid missive was reverentlie read and heard, and by the moderator cleerlie takin up in two points: first, anent dissolving of our present Assemblie; and, secundlie, that no new dyett sould be appointed till your Majestie were acquainted therewith. Which two points being orderlie propouned to the Assemblie, and their judgement craved theranent, after deliberatioun it was concluded that they would leave the treatting of all maters to a new Assemblie, and so satisfie the first point. As to the secund, it was thought needfull to appoint a new dyet, for the reasouns sett doun at lenth before. Notwithstanding, it was thought meete, before the appointing therof, to acquaint the Laird of Laurestoun therewith, and to desire him to nominat a certane day, long or short, to which we were resolved to condescend. He being returned to the Assemblie, the moderator declared unto him the judgement of the brethrein anent the heads of the missive. As to the first, he found himself weill satisfied with their conclusioun. But, tuiching the secund, he refused to designe anie tyme, long or short, albeit the Assemblie assured him that, upon the reverent respect they had to satisfie your Majestie's desire, they would be als readie then as now to continue again to a certane day if your Majestie sould desire them. Therafter, by long reasouning he being brought to consider the expediencie and necessitie of that point, albeit he nather could nor would condescend therto, because, as he affirmed, he had no warrand to that effect, the Assemblie declared to him that it behoved them to appoint a day for the reasouns foresaid. Wherupon he again did willinglie remove himself, notwithstanding he was desired by some of the brethrein to remaine, to heare and see what sould be concluded heeranent. And this he did for the same caus wherefore he removed at the first, as he himself openlie declaired. In whose absence, first and last, the doore was alwayes readie to him, or anie that desired to enter. After his departure, the intreatting of all maters of the Assemblie was continued till the first Tuisday of September nixt at Aberdeen, and intimatioun therof ordeaned to be made to all presbytereis, according to the order and custome observed in suche caces. Which being done, and we about to dissolve without anie farther, the Laird of Laurestoun returned again, and protested he did not acknowledge our meeting for a lawfull Assemblie from the beginning, becaus of absence of the moderator of the last Generall Assemblie and ordinarie clerk. To the which the moderator, in name of the brethrein, answered that it behoved to be lawfull notwithstanding his former reasouns, and that in respect of the warrant of God's word, the lawes of the countrie, constitutiouns, continuall custome and practise of the Kirk, and particular warrant of that day and place, subscribed both by himself and Mr Patrik Galloway, moderator of the last Generall Assemblie, and Richard Thomsone, as clerk to the Commissioners therof. And, farther, your Majestie knowes that the register of the Assemblie beares that the absence of the preceeding moderator and ordinarie clerk has never beene impediment to the holding, or prejudiciall to the lawfullnesse, of our Assembleis. With this, the Laird of Laureston caused Johne Wishart, messinger, to charge us with letters of horning to suffer our present Assemblie to desert, we having alreadie concluded to dissolve upon the desire of the Lords of Secret Counsells letter. To which

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on nawyse to suffer ony sic Assemblie or meiting to be keipit within thair toun, libertie, or fredome thairof; and leist, by the barring of thame furth of the said toun, they sall tak occasioun to mak choise of some other pairt of that schyre for halding of thair Assemblie, and thairby procure his Majesteis offence and displeasoure: thairfore the Lordis of Secrite Counsall ordanis letters to be direct to command and chairge George, Marques of Huntlie, shireff principall of Abirdene, that he caus diligent attendance be gevin throuchout the haill boundis of his [office], and in all utheris pairtis of the

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North quhair he hes power and commandiment, that na sic Assemblie or meiting of the ministerie salbe haldin or keipit within the same, and, in cais ony of the ministerie sal happin to convene and assemble for that eirand, that he tak and apprehend thame and commit thame to waird quhill the Counsale be acquentit and that he ressave thair directioun in that mater, as the said Marques wilbe ansuerable to his Majestie and the saidis Lordis upoun his dewtie, office, and obedience: certifeing him, and he failyie and salbe foundin to be remisse and negligent heirin, and that be his ouersicht and negligence the said Assemblie salbe haldin, that his Majestie and his Counsale will censure and punishe him for his dissobedience, ouersicht, and negligence, according to the qualitie of his contempt and offence, without favour."

we offered and gave instant obedience; and the moderator, in name of the brethrein, craved documents in the hands of the messinger therupon, he being also a notar; who refused the same to us, in presence of divers witnesses. And immediatlie therafter the moderator gave thankes to God, dissolved the Assemblie; and we past all to the commoun clerks chamber of Aberdeen, and tooke instruments of our obedience to the foresaid charge. Which was the onlie charge that ever we heard of, first or last, ather by publict or privat intimatioun or knowledge, as we sall answere to God in that great day when the secreits of all hearts sall be disclosed. Of the which charge no mentioun or report was made at all to the Lords of your Majesties Secret Counsell, but of another charge alledged givin by virtue of the same letters on Moonday the first of Julie by opin proclamatioun at the mercat croce of Aberdeen, before two witnesses allenarlie, both the said lairds servants of his own companie,—no living soule ather of the indwellers or others for the tyme present in the burgh being witnesse thereto, albeit it be of veritie that we are able to prove diverse honest and famous persons to have beene continuallie present in the opin mercat-place and therabout from the entrie of the said Laird of Laurieston within the toun till about eight houres at night, who could not have beene ignorant if suche charge had beene givin publictlie as is alledged. Whereupon it is evident: *first*, that the warrant of our Assemblie is lawfull; *nixt*, that we mett upon no contempt and misregard of your Highness lawfull authoritie; *thridlie*, that we removed not your Majesties Commissioner from us, nather first nor last, his removing being alwayes voluntarie, nor yitt did we debarre him when he pleased to be present; *fourthlie*, that we did nothing without his privitie and his consent craved in everie thing, and obteanned in some things (and these things that he consented not unto he declared plainlie that it was not becaus they were not equitable, but for avoiding a querrell against himself for appearing to approve them); and, *last*, that we did not contraveene anie charge givin us or intimated unto us. And this is all that was done on Tuesday.—As concerning the brethrein that were disappointed of the right day by the errour of the last letter: finding the Assemblie to be dissolved before their comming, and having receaved a subscribed copie of the proceeding thereof, they past together to the place where the Assemblie was holdin, and, for the discharge of their commissiouns, tooke publict documents in the hands of two notars that they were come to keepe the said Assemblie, and, finding the same dissolved, they did ratifie, allow, and approve the proceeding therof, in their owne names and in the name of the presbytereis that sent them.—And this is the truthe of all the proceedings of them who, both first and last, came to Aberdeen to keepe the said Assemblie."

Royal Proclamation contradicting rumours of designs of his Majesty to make fundamental changes in the constitution of Scotland, and declaring that there will be no change in the civil or ecclesiastical constitution of the country without very grave advice and the consent of the Estates: also appointing a General Assembly of the Kirk at Dundee.

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"Quhairas we have, evir since it pleased God to establische us in the imperiall throne of Grite Brittayne, equallie regairdit the good of boith the lait kingdomes of Scotland and England, now happilie united in our royall persone in one monarchie, evir mynding to manteyne and continew the gude and lovable customes and lawis quhairby eache of thame haith bene thir mony aigeis so worthelie governed, nevirtheles some malicious spiriteis, enemeyis to that commoun tranquillitie so muche desyred be us,—foirgetting the many pruifes, boith publict and privat, quhiche we have gevin of that oure gracious affectioun to that oure native and ancient cuntrey of North Brittayne, of the fredome, libertie, and priveledgeis quhairof we have at all occasionis taikin so speciall a patrocinye, as the solemne Assembleis of the Estaittis of South Brittayne and Commissionairis frome the Estaittis of boith kingdomes haith bene eie witnessis,—have not bene aschamed to labour to pervert [the] myndis of our best affected subjects, that, quhanas the [vio]lent and factious cariage of some of thame hes mer[ited] moist seveir animadversioun, they wald insinuat thamese[selves] in the commiseratioun of the multitude by assumeing to [thaim] a glorious professioun of the manteyning of the pri[veledges] and authorised discipline, intendit by us, as they aff[irme, to be] utterlie overthrawne by a suddene and unseasounable [laying upoun] thame at this present the rittes, cerimoneis, and [haill ecclesiasti]call ordour establischit in the Churche of this pairt [of our kingdome] of Brittayne. And, as we haif evir cairfull[ie regairdit] how convenient it is to manteyne everie church [in that forme] of governament quhiche is fittest and can best [aggrie with the] constitutioun thairof, and how dangerous [all alterationes are] without guid advise and mature deliberatioun, a[nd that even in] materis of ordour of the churche in some small [isleands under] oure dominionis we haif absteyned frome suffer[ing any altera]tioun, so dout we not bot oure guid su[bjects will never be][1] that credulous contrair the knawin treuth quhich hes evir appeired cleirlie in all oure actionis as to be in any doubt bot, as in all oure proceidingis we have bene patronis of religioun and justice (two inseparable conserveris of all monarcheis), so hes all our studie and cair evir bene to retrinche and reforme all courses that caryed any prejudice to that integritie quhairat we have evir aymed. And as, by so mony guid lawis set furth in our governament, justice hes atteyned to anothir perfectioun and splendour than it had at any oure predicessouris tyme, and with paynefull and unplesant busynes we have in the discipline of the Churche taikin away innumerable abuseis and corruptionis quhich, gif they had not bene remeidit, had brocht the puritie of religioun in extreame dainger, yit we hoip that nane dar be sa impodent as to affirme that by any soverayne pouer or absolute commandiement we did the same (althocht we enjoyed our authoritie als frelie as any King or monarche of the world), bot, as the diseases of the civile body wer evir cured be the advise of our thrie Estaittis, so the defectis of the Churche by the help and counsale of these quho had

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[1] The words enclosed in square brackets are taken from the *Skene Abridgment.*

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gritest entres in thame: so, as the presumptioun of our bigane actionis in our administratioun quhilis we war present, the pruife of our fathirlie cair toward that pairt of our kingdome sen our residence heir may be sufficient to secure us aganis all suche malicious calumneis. And, howevir in reull of policie we can not but judge it convenient that two Estaittis so inseparablie conjoyned sould be drawin to als grit conformitie in all thingis as the goode of boith may permitt, and that no monarchie, ather in civile or ecclesiasticall policie, hes yit atteyned to that perfectioun that it neidis no reformatioun, or that infinite occasionis may not arryse quhairupoun wyse Princeis will forsie for the benefite of thair Staites just caussis of alteratioun, yit ar we, and hes evir bene, resolved, not to mak ony suddene or haistie chainge in the governament of that pairt of oure kingdome, ather civile or ecclesiasticque, bot with verie grave advise and consent of our Estaittis and the wysest and best sorte of thame quhome it moist properlie concernis,—muche les to trouble thame with any unnecessair alteratioun of indifferent and criminall materis,—and that upoun suche foirsene advantageis and preventioun of confusioun and evill to cum as the gritest enemeis of all peace, obedience of Princeis and ordour in all governamentis, sall not be able to obtrude any inconvenient to the contrarie. And, as be Godis holie assistance we have drawin that pairt of our kingdome out of infinite troublis, factionis, and cruell barbariteis, and reduced the uttermoist bordouris and confines thairof to Godis obedience and acknawlegeing of our lawis,—ane estate nevir [heard] of before since this Iland hes bene inhabited,—so by the [said] devine

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providence and our fathirlie cair over the hole Iland we intend to transmit the same in good ordoure, happie quietnes, and florischeing policie, to that poisteritie quhairwith God heth blissed us, and eftir thame to the warldis end. Lyke as, for the mair verificatioun of our honnourable intentioun, and to stope the mouthis of these unquyet spirites, raiseris of that fals skandall of alteratioun, we have appointed ane Generall Assemblie to be haldin at Dundie the last Twysday of Julii, quhairat we expect reparatioun of these disordouris in so fer as belongeth unto thair censure, and to be fred in tyme cuming of all suche calumneis. Gevin at our Honnour of Hamptoun Court the xxvi day of September j^{m} vi^{c} and fyve yeiris, in the third yeir of our reigne of Grite Brittayne, France, and Ireland."[1]

[1] It may be noted that, though this proclamation appoints a General Assembly of the Kirk "to be haldin at Dundie the last Twysday of Julii," it does not specify in what year. That defect was noted at the time. "Upon the 26th of September," says Calderwood (vi. 333), "a warrant is givin out at Hampton Court for holding an Assemblie at Dundie the last Tuisday of Julie,—but in what yeere never a word, and so to be holdin *ad Græcas Calendas.*" He adds (p. 341)—"This proclamatioun was printed a little before the wairded ministers were summouned to compeere before the Counsell, to extenuat the rigour that was to be used against them; and Mr. Henrie Blyth [*ante*, p. 120] was sett at libertie, to gull the people." Evidently, it was deemed necessary, while discharging as illegal any attempt to hold that Assembly in September to which the late Assembly of 2nd July had adjourned proceedings, to appease the public mind, as far as possible, by the prospect of a legally authorised Assembly at some future time.

Perth, 3rd October.

Sederunt—Commissioner; Chancellor; Angus; Ergyle; Linlithqu; Marschell; Glammis; Hereis; Newbotle; Abircorne; Bishop of Ros; Bishop of Dunkeld; Halyruidhouse; Blantyre; Collector; Advocate; Cranstoun-riddell; Privy Seal; Sir Robert Melvill, elder; Sir Robert Melvill, younger; Sir James Skrymgeour; Sir George Douglas.

Recovered Fragments of Acta 1605-6.

Anent the ministers who held the late General Assembly at Aberdeen: Ten of them, acknowledging it to be unlawful, dismissed, and the remaining seven committed to close ward in several castles.

"Anent the chairge gevin be virtew of oure Soverane Lordis letters to Mr Archibald Blaikburne, minister at Abirdein, Mr James Ros, minister thair, Mr Charles Pharum, minister at Fraserburgh, Mr Robert Youngsoun, minister at Clett, Mr James Melvill, minister at Innerrugy, Mr Alexander Scrogy, minister at Skene, Mr David Robertsoun, minister at Fettir-Angus, Mr Robert Reid, minister at Brancharie-Tarnane, Mr James Irving, minister at Touch, Mr Johne Monro, subdean of Ros, Johne Roch, minister at Nig, Mr William Forbes, minister at Kinbethok, Mr William Davidsoun, minister at Rathaine, Mr Thomas Abernethy, minister at Hawik, Mr James Greg, minister at Lowdoun, and Mr Nathaniell Inglis, minister at Cragy, to have compeirit [perso]nallie before the Lordis of Secrite Counsale at ane certane [day] bygane, to have ansuerit to sic thingis as sould have be[in] demandit of thame and layd to thair chairge tuitching the unlauchfull Assemblie haldin and keipit be thame at Ab[erdein] upoun the secund day of Julii last, quhat wes thair be[haviour] in that Assemblie, and quhat wes proceidit thairin, and hes [followed] thairupoun sensyne, undir the pane of rebellioun and pu[tting of] thame to the horne, with certificatioun to thame and [thai] failyet letters sould be direct simpliciter to put thame thair[to, lyke]as at mair lenth is contenit in the saidis letters, execut[ions, and] indorsationis thairof. Quhilkis being callit, and all t[he saids] personis compeirand personallie, and thai being pa[rticularlie][1] examinat upoun the forme and maner of thair proceidingis at the said pretendit Assemblie, and demandit gif they think the same to be a lauchfull Generall Assembly, the saidis Mr Archibald Blaikburne, Mr James Ros, Mr James Mylne, Mr Robert Reid, Mr Robert Youngsoun, Mr Alexander Scrogy, Mr David Robertsoun, John Roch, Mr William Davidsoun, and Mr Thomas Abirnethie confessit, deponit, and declairit that they wer resolved and perswadit that the said pretendit Assemblie wes not ane lauchfull Generall Assemblie, bot altogidder unlauchfull; and the saidis Mr Chairlis Pharum, Mr Johnne Monro, Mr James Irwing, Mr William Forbes, Mr Nathanane Inglis, and Mr James Greg and John Ros, confessit, deponit, and declairit in presence of the saidis Lordis that the said pretendit Assemblie wes a very lawfull General Assemblie. In respect of the quhilk declaratioun maid be the personis foirsaidis in maner and to the effect abonewrittin, the Lordis of Secrite Counsale ordanis the saidis Mr Archibald Blaikburne, Mr James Ros, Mr James Mylne, Mr Robert Reid, Mr Robert Youngsoun, Mr Alexander Scrogo, Mr David Robertsoun, Johne Roch, Mr

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[1] The words within square brackets are supplied from the *Skene Abridgment*.

Recovered Fragments of Acta 1605–6.

William Davidsoun, and Mr Thomas Abirnethie, to repair and pas hame to thair awne flokis and to attend and await upoun thair service and cure at thair kirkis quhill they understand further of the Counsallis will and pleasour towardis thame; and ordanis the saidis Mr Charlis Pharum, Mr Johne Monro, Mr James Irwing, Mr William Forbes, Johne Ros, Mr Nathane Inglis, and Mr James Greg, to pas and entir thair personis in waird within the castellis following:—viz. the saidis Mr Chairlis Pharum, Mr Johnne Monro, within the Castell of Doun, the saidis Mr James Irwing, Mr William Forbes, and Johne Ros, within the Castell of Striveling, and the saidis Mr Nathane Inglis and Mr James Greg, within the Castell of Dumbertane: and ordanis thame to be committit to severall chamberis within the saidis Castellis, and to be detenit thairin upoun thair awne expenssis ay and quhill thai be lauchfullie relevit be his Majestie and his Counsale. Lykeas thair warrandis for thair resset in the saidis castellis wes deliverit unto thame."[1]

Order anent the six ministers confined in the Castle of Blackness.

"The quhilk day, the Lordis of Secrite Counsale, according to his Majesteis directioun, hes ordanit and ordanis that the sex ministeris presentlie in waird within the Castell of Blaknes, for halding of ane Assemblie at Abirdene upoun the secund day of Julii last, salbe put in severall chalmeris, at the leist twa and twa of thame togidder, and that nane be sufferit to have access unto thame, nor they thameselffis to meit togidder, without a warrand of the Counsale, and that a directioun be gevin to the Captane and Constable of the Blaknes for this effect."[2]

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Decree against the Sheriff of Moray for non-payment to Katherine Carmichael of certain sums of money.

Complaint by Kathereine Carmichaell, relict of Williame Creichtoun, tutor of Sanquhair, that Alexander Dumbar, sheriff of Murray, Dorathie Dumbar, his spouse, Robert Dumbar, apparent of Moynes, and Marjory Dumbar, his spouse, who had been put to the horn on 15th July last for not paying her an annualrent of 100 merks due yearly since the decease of her said husband till the principal sum of 1050 merks should have been paid, and for not fulfilling all the articles of a contract, dated 24th August 1580, between the late James Dumbar of Cumnok on the one side and complainer's husband and herself on the other side, still continue at the horn.—Charge had been given to the said Sheriff to answer; and now, complainer appearing by James Creichtoun, the Captain of the Guard is ordered to apprehend the Sheriff for not appearing, remove his family furth of his houses, and inventory his goods for the King's use.

[1] Calderwood's account (vi. 292) of the submissive behaviour of ten of the seventeen offenders so disposed of by this Act of the 3rd October is that "they were moved through entisement to say that, if they had knowne all things as they doe now, they would not have keeped that Assemblie." He adds that Mr Thomas Abernethy at first stood out, but yielded after a quarter of an hour, terrified by the information that, if he persisted, he would be warded in Inverness. By the warding in different prisons of the seven who did remain resolute, the number of the "warded ministers" altogether on account of the late Aberdeen Assembly was raised to thirteen,—six in Blackness Castle, two in the Castle of Doune, three in Stirling Castle, and two in Dumbarton Castle.

[2] This increased severity in the custody of the original six of the warded ministers was doubtless owing to the fact that there had been much correspondence with them in Blackness Castle since their first imprisonment there, with messages of sympathy from the Presbyterian world outside. See *ante*, footnote, p. 123, footnote.

Decree against Walter Stewart for his non-payment of debt to John Donaldson.

Complaint by Johnne Donnaldsoun, *alias* Rantoull, that Walter Stewart of Innerdoning, who had been put to the horn on 10th June last for not paying him £173, 6s. 8d. as principal, with 40 merks for expenses, and also £20 as principal and 10 merks of expenses, as specified in his obligation, remains still unrelaxed.—Defender not appearing, decree is given against him as in last Act. Recovered Fragments of Acta 1605–6. Page 359.

Order that Scotsmen going to seek their fortunes in military service abroad embark at Scottish ports and do not pass through England.

As "grite nowmeris of personis of this kingdome, quha [ar pass]ing to seik thair fortounes in the service of the wearis . . . . pairtis, passis up to England, feinyeing thair to use the commoditie of thair imbarquing, and in the heich wayis and passageis they committ divers misordouris, insolenceis, and rubreis upoun his Majesteis subjectis of that countrey, doing thairby quhat in thame lyis to procure the privat grudge and miscontentment of the people of that land aganis his Majesteis subjectis of this kingdome," there is order to command the colonels and captains of any soldiers raised in this kingdom to cause them embark where they are levied or in the nearest commodious ports, with charge to the soldiers to attend to the direction of their officers anent the places of their rendezvous and not to seek embarkation in England, under pain of punishment in their persons. Page 360.

Presbytery of Paisley discharged from further proceedings against Sir Neil Montgomery, charged with adultery.

Complaint by Sir Neill Montgomerie of Langschaw, and Ralstoun, spouse of Logane of , that the ministers of the presbytery of Paislay have lately raised an action against them for alleged adultery, and have not only urged them to give their oaths in the matter, but also led process thereupon, receiving the testimonies of "husseis, fellows, and bairnes" against them, and intending to excommunicate them. Now, the charge being criminal and capital, they are not bound to give their oath; nor is it competent for the defenders to receive witnesses in this action, which ought to be tried either by the justice or by the commissaries of Edinburgh. Besides, there are no parties having title or interest to pursue, inasmuch as Sir Neill's wife and Ralstoun's husband are silent.—Sir Neill appearing for the pursuers, and Mr Williame Birsbane for the defenders, the Lords discharge the said ministers from all proceeding till there be trial as aforesaid. Page 361.

William Younger against William Craig and others for assault.

Complaint by William Younger in Partik, as follows:—Upon Sunday 22nd September last, about 10 o'clock at night, William Craig in Walkmylne, William Craig, his eldest son, William Fergusoun and Johnne Craig, servitors to the said William Craig, elder, Niniane Cuming in Byris of Partik, Johnne Drew, his servitor, Johnne Cuming in Westend of Partik, Johne Craig, younger in Nether Newtoun, and James Fergusoun there, came by way of hamesucken to his dwelling house, and, perceiving that they could not easily enter, "past to his crois hard be his house, and fischeit the same, and maid a grite dyn about his crois, off purpois to trayne him out." Hearing the din, he had come out in his night bonnet, when they attacked him with drawn swords and wounded him in divers parts of his body, leaving him for dead.—Complainer appearing by Androw Younger, his procurator, the defenders are to be denounced rebels for non-appearance. Page 362. Page 363.

Recovered Fragments of Acta 1605–6.

Robert Dawling against William Spence and David Mudie for non-payment of debts.

Complaint by Robert Dawling, brother of Mr Johnne Dawling, advocate, and Jaques Segart, Fleming, that William Spence, burgess of Dundie, who had been put to the horn on 16th April 1603 for not paying either of them £69, 3s. Flemish money, or else £6 Scots for each pound Flemish, and that David Mudie, merchant burgess there, who had been put to the horn on 9th August last for not paying the said Robert £7 Scots for each of £60, 1s. "twa grite" Flemish money, as principal, with £40 for expenses, still continue at the horn.—Neither of the defenders appearing,

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the Captain of the Guard is ordered to apprehend and enter them, remove their families furth of their houses, and inventory their goods for the Kings use.

To denounce Adam Corrie and others for assault and for wearing fire-arms.

Complaint by Sir Thomas Hammiltoun of Monkland, King's advocate, and Robert Grahame of Thornik, as follows:—Notwithstanding the Acts of Parliament against wearing hagbuts and pistolets, Adame Corrie in Thornikhill, Robert Grahame, his son-in-law, and Johne *alias* Jok Lintoun, upon the day of , came armed with the said weapons to the said Laird of Thornik's dwelling house of Lochhous, sought him for his slaughter, and, missing him, so threatened his wife with drawn swords that "throw feir scho almaist pairtit with bairne." Afterwards, finding the complainer on his lands of Thornik, they "presentit" hagbuts and pistolets to his breast, and would have slain him therewith if he had not by the providence of God escaped.—The Advocate appearing personally,

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and the other pursuer by Mr Thomas Rollok, his procurator, the defenders, for not appearing, are to be denounced rebels.

Decree for John Alexander against William Rankeillor for non-payment of debt.

Complaint by Johnne Alexander, merchant, burgess of Edinburgh, that William Rankelour, Kintyre pursuivant, burgess of Couper, who had been put to the horn on 29th January last for not paying him £62, 8s. as principal, with £20 of expenses, remains still at the horn.—The defender not appearing, the Captain of the Guard is ordered to apprehend him, take his houses, and inventory his goods for the King's use.

Decree against James Moncreiff and others for not entering Mr Oliver Colt in certain lands and not finding law-burrows.

Complaint by Mr Oliver Colt, advocate, and Issobell Henrysoun, his spouse, that James Moncreiff, burgess of Perth, who had been put to the horn on 27th March 1602 for not entering them in the lands called Henryson's Croft, lying beside the said burgh, conform to a decree obtained before the Lords of Council and Session, dated 19th December 1601, and that the said James, Andro Moncreiff, his father, and Alexander Moncreiff, his brother, who had been put to the horn on the same 27th of March 1602 for not finding lawburrows to the pursuers, continue at the horn.—Defenders

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not appearing, there is decree against them as in last Act.

Decree against James Grahame for non-payment of debt.

Complaint by William Quhyte, servitor to James, Earl of Glencairne, that James Grahame of Drumleane, who had been put to the horn on 22nd February last for not paying him 100 merks as principal, with £20 for expenses, conform to a decree of the commissariat of Dumblane, still

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remains at the horn.—The pursuer appearing, but not the defender, decree is given against defender as in last Act.

Complaint by Patrik Huntair of Newtoun that Johnne Strauchane of

Decree against James Strachan and Mr Andrew Drummond for non-payment of debt.

Balhoussie, as principal, and Mr Andro Drummond, minister at Panbryd, as surety for him, both of whom had been put to the horn on 16th April last for not paying the pursuer, as assignee to Thomas Huntar, notary, burgess of Dundie, the sum of 200 merks as principal, with 100 for expenses, and also for not paying him 630 merks as principal, with 100 merks for expenses, and further for not paying him £10 as the price of each of six bolls of oatmeal due to the said Thomas, still remain at the horn.—Pursuer appearing by Thomas Huntair, his procurator, but the defenders not appearing, there is decree against them as in last Act. Page 369.

Recovered Fragments of Acta 1605–6.

Decree against David Lindsay and others for non-payment of certain debts to Archibald Primrose.

Complaint by Archibald Prymrois, writer, that David Lindsay of Quarrelhill, who, as surety for the late Johne, Earl of Athoill, had been put to the horn on 30th October 1602 for not paying him £244 as principal, with £40 for expenses, and that Patrik, Lord of Lundoiris, as principal, and Thomas Galbraith, his servitor, as surety, who had been put to the horn on 6th November 1602 for not paying him £574 as principal, with £100 for expenses, and also that James Drummond of Leichhill, and Hary Drummond, his son, who had been put to the horn on 10th May 1603 for not paying him £241, 16s. 8d. as principal, with £20 for expenses, all remain still unrelaxed.—The pursuer appearing by Edward Meiklejohne, his procurator, decree as in last Act is given against the defenders for their non-appearance. Page 370.

Lindsay of Edzell ordered into ward.

With a view to the "satling of the present troublis" between Sir David Lindsay of Edzell and the Laird of Pittarro, the said Laird of Edzell is ordered to enter in ward in the Castle of Striveling, within ten days after the charge, under pain of rebellion.

Charge to Lord Maxwell and William Maxwell to account for the maills and duties of the Castles of Lochmaben and Annan to Sir William Cranston, commander of the garrisons there.

Although the King's Castles of Lochmabin and Annand have been always possessed by his Majesty's officers in charge of that part of the late Borders, and the maills and duties of the said Castles have been ordinarily assigned to them for the better enabling of them to do the King's service there, and although possession of the two Castles, with their maills and duties, had been granted to Sir William Cranstoun on his being nominated commander of the King's garrison there, yet, as his Majesty is informed, Johnne, Lord Maxwell, and William Maxwell, younger of Tinwale, have not only intromitted with the bygone fruits of the said Castles and not only refuse to account therefor to the said Commander, but intend violently to intromit with the same in future. Charge is therefore to be given to the said Lord Maxwell and William Maxwell, under pain of rebellion, to pay to the said Sir William, within 10 days after the charge, the maills and duties of the said Castles intromitted with by them since the time of Sir William's appointment, and to desist from all melling with the same in future without his Majesty's warrant. Page 371.

Decree against William Skene for non-payment of debt.

Complaint by Andro Horne, burgess of Abirdene, that Williame Skene, burgess there, who has been denounced rebel for not paying complainer, as assignee to William Horne, his son, the sum of £160 as principal, together with £80 for expenses, remains as yet unrelaxed.—Pursuer appearing by Thomas Huntair, his procurator, but the defender not

Recovered Fragments of Acta 1605–6. Page 372.

appearing, the Captain of the Guard is ordered to apprehend and enter defender, seize his houses, and inventory his goods for his Majesty's use.

At the earnest suit of the friends of Sir Johnne Wischert of Pittarro, and in consideration of his "present disease and seiknes," the Lords of Council consent to change his ward, and that of Johnne Wischert, his son, from the Castle of Blaknes to the Castle of Edinburgh. Order accordingly to the keepers of the said Castles. Sir John Wishart's ward changed to Edinburgh Castle.

Complaint by Mr Alexander Ireland, minister at the Kirk of Kinclevin, as follows:—Sir Johnne Creichtoun of Innernytie, having for a long time borne "ane secrite and hid malice aganis the said complenair, becaus he reprovit the said Sir Johne and hes servandis for halding of prophane playis on the Sabboith day, resset of seminarie preistis, and committing of divers utheris offenceis condempnit be the Word of God," had, upon 4th October last, accompanied by Johne Creichtoun, his son and apparent heir, Silvester Chapman, his kinsman, Alexander Creichtoun, brother of the said Sir Johne, Alexander Chapman, son of the said Silvester, Alexander M°Nakill in Muresyde of Innernytie, Johnne Erskene in Kirkhous, Johne Watsoun there, William Meik there, David Greif there, William Watsoun there, Stevin Gallitly there, Thomas Alexander there, Johne Jak there, Alexander Shiphird in Kinclevin, Andro Dow there, Robert Schiphird there, and David Watsoun, with others, all armed with swords, daggers, gauntlets, and other weapons, come to the complainer's dwelling-house in Kinclevin, and pulled down the walls and broken the doors thereof, in search of complainer for his harm. Missing himself, they had assaulted his wife who . . . . "chyld with barowis and with thair handis . . . . thairby within the space of foure dayis thair .-. . . with bairne, to the grite heasard and per . . . . Lyke as upoun the xxviii day of the said moneth . . . . bipast, the said Sir Johnne being at the said . . . . at the preitching, he, in tyme of divyne s . . . . cryit furth aganis the said complenair . . . . lowne and knave, and not content thair [here follows a gap in the Register extending to five folios]. Mr Alexander Ireland, minister at Kinclevin, against Sir John Crichton of Innernytie for violence and defamation.

Skene Abridgment.

Sir David Lindsay of Edzell and Sir John Wisehart of Pittarro having entered thaimselvis prisoners and signed a submission *hinc inde*, conforme to the Councills order, thair cautioners are dischargit. [Lairds of Edzell and Pittarro.]

[Without date, but apparently belonging to the same day, the *Haddington MS. Excerpts* give the following:—]

Haddington MS. Excerpts. Fol. 347, a.

Maister Robert Hendersoun and Sir Patrik Bellenden contrair Erle of Orknay. [Earl of Orkney.]

Sederunts. Fol. 43, b.

Sederunt—Chancellor; Angus; Lynlythqu; Uchiltrie; Neubottle; President; Dunkeld; Ros; Blantyr; Halirudhous; Constable of Dundee; Murdocairny; Quhittinghame; Brintiland; Privy Seal; Justice Clerk; Advocate; Collector; Cranstounriddell; Sir George Douglas; Sir Johnne Arnott. Edinburgh, 24th October.

The baillies of Lauder and utheris anent thair tolbuithis. [Tolboot

[More tolbooths.]

Band for the baillies of Selkirk and Pebles anent thair tolbuith.

Sederunts. Fol. 43, b. Skene Abridgment.

Trial by the Council of fourteen of the ministers concerned in the late Assembly at Aberdeen: Declinator by the ministers of the jurisdiction of the Council: Declinator set aside, and the fourteen remitted to ward to await punishment at the King's pleasure.

"Anent our Soveraine Lords letters raised at the instance of Sir Thomas Hamilton of Monkland, knycht, his Majesties advocat, makand mention that, quhair in the Parliament halden at Edinburgh in the moneth of June the year of God 1592 years, ther wes ane speciall provision made, concludit, and aggried upon be his Hienes Estaitis, in the Act anent the libertie of the Generall Assemblies of the Kirk, that his Majestie or his Hienes Comissioner sould be present with the ministers at ilk Generall Assemblie, and, being present in the toun or place quhair the samyn held, sould befoire the dissolving thairof nominat and appoint tyme and place quhen and quhair the nixt Assemblie sould be haldin, as in the Act of Parliament conteining the provision forsaid at lenth is contenit. And trew it is that, his Majestie having signified and declarit his Hienes will and pleasure to the Commissioners of the Kirk that his Majestie, for mony grite and weichtie considerationes, could not be resolved anent the tyme of the Assembly quhilk wes appointit to have bein haldin at Aberdein upon the 2nd day of Jully last afoir the approaching Parliaments, the saids Comissioners, according to his Hienes express commandement and direction, acquaintit the haill presbyteries of this realme with his Hienes pleasure anent that mater, and willit and comandit thaim to forbeir all conveineing or meitting for halding of the said Assembly. Notwithstanding, it is of trewth that a verie few number of the ministers, as namelie the persons underwrittine,—they are to say, Mr John Forbes, Mr John Sharp, Mr Robert Durie, Mr Alexander Straquhan, Mr Andrew Duncan, Mr Charles Pharum, Mr James Irving, Mr John Munro, and Mr William Forbes, minister at Kilbethok,—of quhom thair wes not passing 8 or 10 or thairby authorized with commission from the presbyteries (at the leist thair wes not 8 or 10 presbyteries at the maist quha directed or send ony commissioners), maist unlawfullie, contemptuouslie, and seditiouslie misregarding his Majesties will and commandement signifyit to thaim in maner forsaid, convenit thaimselfis in the Kirk of Aberdein upon the said 2nd day of Jully last, and, lykewyse contemning the charges of horning proceiding upon ane Act of Secret Councill and execute against thaim the day preceiding,[1] anent thair dissolving and suffering of that Assemblie to desert, they in thair pretendit maner begane to hald thair Assemblie. And, the Laird of Lawriestoun, his Majesties Commissioner, conveening with thaim, and having first presentit unto thaim a missive letter of the Lords of Secret Councill quhairby the saids Lords earnestlie desyrit thaim to suffer that dyet to desert (quhilk request of the Lords of his Hienes Privy Councill in his Majesties name wes and sould have bein acknawledgit and obeyit as ane comandment be all dewtifull subjects), as alswa haveing at lenth declared unto thaim his Majesties will and pleasure that nathing sould be done at that tyme, and thairafter he himselfe having altogether dissassentit fra onything to be intreatit or done by thaim, they nevertheless resolved to proceid. And, without the presence of the moderator of

[1] Compare *ante*, p. 85, p. 92, and p. 125, footnotes.

Skene Abridgment.

the preceiding Assemblie and of the ordinar clerk of the Assemblie, quha were two cheife and principal persons requisite in that meiting, they went forward, and maist unformalie and inorderlie made choyce of a moderator, without removeing of sic as wes upon the lyte, and suffering thaim to be present at the voting of thair awn election. And, without ony lawfull or ordinar forme of proces used against thair lawfull clerk, they elect ane new clerke and made indiction of ane new Assembly ; and sua on thair pretendit maner held thair Assemblie. Quhilk Assembly is maist unlawfull in the selfe, not only because of the discharge of the Commissioners of the Kirk, and charges of the Lords of Secret Councill execute against thaim, and missive letter delyverit and disobeyit, as said is,—his Majesties Commissioner being present in the toun quhair thai convenit and mett, as said is, and altogidder disassenting fra onything quhilk wes to be done be thaim, without quhais speciall avise and consent, according to the said Act of Parliament, it wes not lawfull for thaim to convein or do ony thing,—bot alsua because the moderator of the last Assemblie wes not present, thair pretendit moderator wes not lawfullie electit, thair ordinar clerk wes absent, na lawfull clerk orderly chosen in his place, and the number of thaim authorized as commissioners from thair presbyteries being swa small as, not making the 5th pairt of the haill number of presbyteries within this realme, could nawyse be law, reason, or guid order, make the 3rd pairt of ane lawfull Generall Assembly ; quhilk sould be constitute of the maist pairt of the haill body. As alswa Mr Nathan Inglis, minister at Cragy, Mr James Greg, minister at Loudoun, John Ros, minister at Blair, and Mr John Welsh, minister at Air, upon the 4th, 5th, and 6th days of the said moneth of July respective, resorting unlawfullie to the said burgh of Aberdein, and understanding, as it wes nottour and manifest to all men thair, how undewtifully and contemptuouslie the saids ministers had proceidit to thair unlawfull Assemblie, without all forme, order, reasoun, necessitie, or preceiding example, convenit thaimselfis unlawfullie, and ratifiet and approvit the proceidings of thair said bretheren, contrair his Hienes will and the will of the Lords of his Hienes Councill declairit in maner forsaid, and tuike instruments thairupon. And thairfoir aucht not only the said Assembly to be declarit to be unlawfull, bot the persons forsaids, quha maist contemptuouslie and unlawfullie held and ratified the same, in contempt of his Majestie and the Lords of his Hienes Secret Councill, and against the provision forsaid contenit in the said Act of Parliament, aucht to be persewit and punisht for the same, to the terror of uthers to do the lyke heirafter. And anent the charge given to the saids Mr John Forbes, Mr John Welsh, Mr Robert Durie, Mr Andrew Duncan, Mr John Sharp, Mr Alexander Straquhan, Mr William Forbes, Mr James Irving, Mr John Ross, Mr John Monro, Mr Charles Pharum, Mr Nathane Inglis, and Mr James Greg, to have compeired personallie befoir the Lords of Secret Councill this present day, viz., the 24th day of October instant, to have heard and sein it bein foundin and declarit that thai have verie

The late Assembly at Aberdeen : Trial by the Council of fourteen of the offending ministers.

The late Assembly at Aberdeen Trial by the Council of fourteen of the offending ministers.

contemptuouslie convenit and assemblit thaimselfis and proceidit in thair saids actions the tyme forsaid, and thairfoir thair said Assemblie and approbation thairof foirsaid decernit and declarit to have bein unlawfull, and swa to have bein repute, haldin, and estemit in all tyme comeing, and thai to have bein punisht in thair persons and guids for thair unlawfull conveining, halding, and approving of the same as said is, or els to have shawine ane cause quhy the samyne sould not have bein done, with certificatione to thaim, and thai failyiet, his Majestie and the Lords of His Hienes Secret Councill wald decerne in maner forsaid, and to have compeirit personallie to the effect forsaid, under the pain of rebellion and putting of thaim to the horne, with certification to thaim and thai failyiet letters sould be direct simpliciter to put thaim thairto,—lykeas at mair lenth is contenit in the saids letters, executions and indorsations thairof. Quhilkis being callit, and the said Sir Thomas Hamilton of Monkland, knycht, his Majesties advocat, compeirand personallie, and the forsaids haill defenders being lykewyse personallie present, with Mr Robert Youngsoun, minister at Clett, quha compeirit with the saids defenders and declarit that he fand himselfe troublit and grevit in his conscience for the declaration made be him in presence of the saids Lords at the burgh of Perth upon the 3rd of this instant, quhairby he than declarit that he was perswadit that the said Assembly wes not ane lawfull Assembly, and thairfoir he revockit, renuncit, and past fra his forsaid declaration made upon the said 3rd day of October instant, and humbly desyrit and cravit that he micht be ressavit and admittit as a pairtie defender in this sumonds with the remanent of his said bretheren,—quhilk wes grantit. Quhilks haill defenders alleagit that the saids Lords of Secret Councill wer not judges competent to thaim in this matter, bot that the same aucht to be remittit to the Generall Assembly of the Kirk, only judges competent to thaim; and, for this effect, thai gaif in a declinator, subscryvit with all thair hands, bearing in express words that thai declynit simpliciter the judgment of the saids Lords of Secret Councill in this mater. Quhairunto it wes ansuerit be the said Sir Thomas Hamiltoun, his Majesties advocat, that the said alledgances and declinator aucht to be repellit, in respect of the Act of Parliament made be his Majestie and his Estaitis in the moneth of May the year of God 1584 years, quhairby the royall power and authoritie over all Estaitis, spirituall and temporall, within this realme lyes establishit and confirmit in the persone of our Soveraine Lord, his heirs and successors, and thai and thair Counsalls declarit to be judges competent to all persons his Hienes subjects, of quhatsumevir function or condition that ever thai be of, spirituall or temporall, [in] maters quhairin thai or ony of thaim sould be apprehendit, summondit, or chargit to ansuer befoir his Hienes and his Councill. Quhilk declinator and ansuer made thairto be the said Lord Advocat being at lenth heard, sein, and considerit be the saids Lords of Secret Councill, and thai weill advysit thairwith, the saids Lords, be thair interloquitor, all in a voce, fand thaimselfis judges competent to the

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Skene Abridgment.

saids defenders in this matter, and repellit the said declinator. Quhair-upon the said Lord Advocat askit instruments. And thairfoir, the defenssis, reasons, and allegations of the saids defenders, quhilks were given in wreate be thaim under protestation alwyse that thai adhere to thair said declinator, and the ansuer made to every heid and article thairof be the said Sir Thomas Hamilton, his Majesties Advocat, being at grite lenth read, heard, and considerit be the saids Lords, and thai being thairwith weill and ryply advysit, the Lords of Secret Councill finds and declaires that the saids defenders hes very contemptuouslie convenit and assemblit thaimselvis and proceidit in thair saids actions the tyme forsaid, and thairfoir decerns and declaires thair said Assembly and approbation thairof forsaid to be unlawfull, and swa to be repute, haldin, and estemit in all tyme comeing. As alswa finds that, be thair said unlawfull conveining as said is, they have deservit to be punisht in thair persons and guids. Quhilk forme of punishment the saids Lords reserves to his Hienes awn will and speciall declaration, and in the mean tyme ordains thaim to re-enter thair persons in thair former wairds, and the said Mr Robert Youngsoun to enter his person in waird within the Castell of Edinburgh, thairin to remaine upon thair awn expenssis ay and quhill his Majestie gif the declaration of his Hienes will and pleasure towards thaim,—because, thai being chargit to have compeirit befoir the said Lords to have heard and sein thair said Assemblie and approbation thairof forsaid declarit to be unlawfull, and thai to be decernit to be punisht in maner forsaid, or else to have shawine ane reasonable cause in the contrair, with certification as is abonespecifeit, and thai compeirand all personally as said is, [they] shew na reasonable cause in the contrair, as wes cleirly understand to the saids Lords. For the quhilk cause the saids Lords hes foundin, decernit, and declarit in maner forsaid."[1]

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. . . . . .

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[Imperfect record] to the effect that, the said William Ruthven of Bellindane not appearing to a certain charge, the Captain of the Guard is to apprehend him, take his houses, and inventory his goods for the King's use.

Decree against Ruthven of Bellindane.

[1] This is the record of what may be called the actual trial of the "warded ministers" before the Council. Additional details of the proceedings will be found in Calderwood, vi. 342–354. First, it appears, the accused presented a "supplication" to the Council; then, when that was rejected, they gave in a "*declinator*" of the jurisdiction of the Council in the matter in question, on the ground that "the approbatioune and disallowance of a Generall Assemblie has beene, and sould be, a matter and cause spirituall, and always cognosced and judged by the Kirk, as judges competent within this realme"; and only after this *declinator* had been set aside, and even then under protest and still adhering to the *declinator*, did they consent to argue in answer to the charges of the Lord Advocate.—Although we left only *thirteen* ministers in ward on the 3rd of October (*ante*, p. 129, footnote), it will be observed that *fourteen* stood their trial on the 24th, and went from trial that day to prison till his majesty's pleasure as to the nature of their punishment should be known. Mr Robert Younger, minister of Clatt in Aberdeenshire, had been troubled in conscience by his submission three weeks before, and had consequently avowed the same, and placed himself beside the other thirteen at the bar, having previously put his name along with theirs to the *declinator* of the Court's jurisdiction. The consequence was that, while they went back severally to their former prisons, he was sent to prison in Edinburgh Castle.

Decree against John Smith for not refunding violent profits.

Complaint by Elizabeth Cranstoun, relict of Lancelot Ker in Kelso, that Johnne Smyth in Kelso, who had been put to the horn on 13th July last for not refunding to her the violent profits of certain of her lands occupied by him, with £20 for expenses and £5 paid by her to the Lords' collector, remains yet unrelaxed.—Complainer appearing by Mr George Home, there is decree against the defender as in last Act for non-appearance. Recovered Fragments of Acta 1605–6. Page 384.

Decree against Douglas of Longuiddry.

Complaint by Alexander Wylie, son of William Wylie, writer, that Sir George Douglas of Langnudrie, who had been put to the horn on 9th August last for not paying him 300 merks as principal, with £40 for expenses, remains yet unrelaxed.—The pursuer appearing by Johnne Levingstoun, his procurator, but defender failing to appear, there is decree against defender as in last Act. Page 385.

Fraser of Philorth against Cheyne of Esselmount and others for oppression.

Complaint by Alexander Fraser, apparent of Philorth, that, upon 11th September last, Patrik Cheyne of Essilmouth, James Cheyne of Pennane, Alexander Cheyne, Gilbert Gray, Andro Strauchane, William Curriour, James Walker, all servitors to the said Patrik, and Andro Blak in Abirdoure, with uthers in arms, came to the pursuer's lands of Abirdour, and there with their horses tramped down a great quantity of his corn, demolished the dykes of his said lands, and barbarously houghed certain of his oxen.—Complainer appearing by Robert Stewart, the defenders, for non-appearance, are to be denounced rebels.

To denounce James Scott of Abbotshall for not appearing to answer to divers complaints of oppression made against him by Lady Pitfirran.

Complaint by Dame Issobell Monypennie, Lady Pitfirren, as follows :— (1) Upon 24th September last Sir James Scott of Abbotishall, with others, came at night to the lands of Coilputmure, belonging to her, and to Fredrik Stewart, her son, and there cut down with their swords the most part of her growing corns, besides destroying a great quantity of stooked corns close by, belonging to a poor woman. (2) On 26th September Sir James hounded out James Philp and Thomas Barrie, his servitors, to the fields of Pittinweyme, where they threatened to slay complainer's servitor, Andro Cowane, who was binding his corns, if he refused to be put in the thieves' hole in the town of Pittinweyme; and, when her said son Fredrik desired "in a very modest maner" that he might not be put in that prison, the said Philp drew his sword "half out" to have "strukin" the said Fredrik. (3) On 27th Semptember Sir James himself came to the said lands, destroyed a great quantity of complainer's corns, and thereafter took a horse-sled full thereof to the town of Pittinweyme and cast the same in the "gutteris." (4) Upon 28th September Sir James came again to the said lands, accompanied by Monypenny, and there scattered complainer's corns, which were shorn, "athorte the ground." (5) Upon 5th August last the said Monypenny wounded Andro Cowane, complainer's servant, with a sword. On these accounts complainer had executed letters of lawburrows against the said Sir James, who, disobeying the charge to answer, had been put to the horn. In spite of this denunciation, however, he had continued to act as if he were a free subject, had held courts, and had committed the said Andro Cowane, her Page 386.

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grieve, to ward in the tolbooth, and this notwithstanding the charge given to James Hammiltoun to pass to the tolbooth and produce the said letters of horning against Sir James, so as to stay his proceedings.—The pursuer appearing personally, Sir James Scott, for non-appearance, is to be denounced rebel.

Modification of penalties in letters of lawburrows against Lord Herries and others by Mr John Johnstone.

Complaint by Johnne, Lord Hereis, William Maxwell of Gribtoun, and Johnne Maxwell of Conhaith, that they have been charged at the instance of Mr Johnne Johnnestoun, advocate, to find caution for his indemnity, Lord Hereis in £5000, and each of the others in 3000 merks, whereas by the Act of Parliament Lord Hereis can be required to find caution in Page 388. £1000 only, and the other two, being but feuars, in 500 merks only. Having meanwhile found caution as charged, they plead that the said letters of horning ought to be suspended.—Both parties appearing, the Lords do suspend the horning and modify the penalty of Lord Hereis to 4000 merks, and that of the other two to 2000 merks each.

Suspension of horning obtained against Lady Newbie and the Laird of Hoddum by the Laird of Johnstone.

Complaint by Elizabeth Stewart, Lady Newbie, and Richard Irwing of Hoddum, that they have been wrongously ordained to oe put to the horn Page 389. for their non-compearance before the Secret Council to answer a complaint made against them by Sir James Johnnstoun of Dunskellie, and Robert Johnnstoun, called of Newbie, for their alleged violent intromission with the corns of Newbie. As they had not been lawfully charged, their non-appearance had not proceeded from disobedience; in respect whereof, and because the said Lady had found caution in 1000 merks, and Irwing in 500 merks, to answer to the complaint upon 24th October instant, they plead that the said letters of horning should be suspended.—Both parties appearing, the Lords do suspend the same.

Decree against Moncur of Slains for lying at the horn for a spuilyie from Wood of Craig.

Page 390. Complaint by [Sir David] Wod of Craig, knight, that Dand *alias* Andro Moncur of Slaynis, who had been put to the horn on 6th and 9th September last for not restoring to him certain horses, mares, nolt, and sheep reft by the said Dand and his accomplices furth of the lands of Glenferquhard and Newlandis, or else paying the prices thereof, together with £20 for expenses and £5 consigned silver paid to the Lords' collectors, remains still at the horn.—Complainer appearing by Mr James Wod, his procurator, but the defender failing to appear, there is order to the Captain of the Guard to apprehend and enter defender, remove his family furth of his houses, and inventory his goods for the King's use.

Lindsay of Edzell against Gordon of Cluny.

The Lords continue the cause pursued at the instance of Sir David Lindsay of Edzell, Gilbert Touch, ... doloa, William Brokie, Jonnet Broun, ... Wilsoun in Arnebarrow, tenants of the said Sir David, against Alexander Gordoun of [follows a gap of three folios].

. . . . . .

[The following, from the *Skene Abridgment*, supplies some deficiencies in the foregoing :—]

Skene Abridgment.

Sir David Lindsay of Edzell allowed a time to prove that Alexander Gordon of Cluny, and others, his associats, to the number of 120, had

come to the Maynes of Edzell and others, and cutted and destroyed his cornes, casten down his dykes, &c. Skene Abridgment.

[Meeting of Session prorogued.] The Council, in respect of the continuance of the pestilence at Edinburgh, Leith, and other pairts of the countrey, prorogats the sitting of the Session to 1st December nixt.

[Protection to Earl of Orkney against his creditors.] Patrik, Earle of Orkney, having come to Edinburgh, of purpose not only to purge himself of the haill hornings against him for satisfaction of his creditors, bot also to ansuer all complaints given against him, and found caution for that effect, he gets protection for his persone fra the Councill against his creditors.

[Irvine of Moncoffer against Forbes of Pitsligo and others.] Mr Robert Irveing of Moncoffer persewes John Forbes, apparent of Pitsligo, and his associats, for often invading him; quho produceing a remission for wearing hagbutis, &c., the remission is ordered to be expead within 40 dayes throw the sealls, and not to wear hagbutis in tyme comeing; and that he sall compeir befoir the Councill quhen callit. And John Forbes, apparent of Polfluig, John Forbes, brother to Corsindae, and Patrik Forbes, brother to Tirrinel, 3 of his associats, are ordained to be denunced.

To apprehend Grierson of Kilbride. [Imperfect record] to the effect that, the said Robert Greirsoun of Kilbryd having been charged to answer this day for his "proud and contemptuous rebellioun," and not appearing, while the pursuer appears by his procurator, the Captain of the Guard is to take and enter the said Greirsoun, seize his houses, and inventory his goods for the King's use. Recovered Fragments of Acta 1605–6. Page 397.

Holyrood-house, 25th October. Anent the sufficiency of the tolbooth of Selkirk. George Mitchelhill, bailie of Selkirk, appearing as commissioner for the bailies and council of Selkirk, conform to the charge given to them anent the reparation of their tolbooth, declares that the town of Selkirk has a "verie sufficient" tolbooth, with irons, stocks, and other requisites, and becomes bound in £1000, as surety for the said bailies and council, to that effect, and that they will be answerable for such prisoners as shall be committed to ward within the said tolbooth.

Anent the building of a fit tolbooth in Peebles. Hector Cranstoun, burgess of Peblis, appearing as commissioner for the provost, bailies, and council of the said burgh, becomes bound as surety for them, in £1000, that within two years hereof they shall build within their town a sufficient tolbooth. Page 398.

Edinburgh, 26th October. Wishart younger of Pittarro, having broken his ward, charged to enter again in prison. Sir Johnne Wischart of Pittarro, and , his son and apparent heir, having been committed to ward in the Castle of Blaknes for their "insolence" in the burgh of Edinburgh upon day of last, and their ward having been changed by the Lords of Council from Blaknes to the Castle of Edinburgh, in the expectation that on their release out of the former place they would enter in the latter, and Wischart, younger, having, nevertheless, immediately on receipt of the warrant for changing his ward, most treasonably escaped, there is order to charge him by open proclamation at the market crosses of . . . . Forfar, Montrois, and Brechin, to enter his person in [follows a gap of one folio in the Register. The

Skene Abridgment.

defect is supplied as follows in the *Skene Abridyment*:—] Sir John Wischart of Pittarro (in respect of seiknes and infirmitie) and his eldest son having petitioned to have thair waird changed fra Blaknes to Edinburgh Castle, and his son having maist treasonablie, contemptuouslie, and undutifullie escapt, and thairby guilty of breaking waird, he is thairfoir ordained to be chargit at the mercat croces of Edinburgh, Dundie, Forfar, Montrois, and Brechin, to enter his persone in waird within Edinburgh Castle within 4 dayes, under the pain of treason.

[Payment by Maclean of Duart of the King's rents.]

Hector M^c^Lean of Dowart being resting the King great soumes for the bygane maills of certane his Hienes proper lands possest by the said Hector, and haveing na uther meanes quhairby to satisfie the King bot sick commodities as his cuntrie affords, the Councill orders, &c. to goe to his cuntrey to receave the same, and to bring thaim to mercats for sale; and thai are declaired not to be arreistable by any of his creditors.

Edinburgh, 4th November. Royal letter declaring the true meaning of the Act by the Duke of Lennox renouncing his right of superiority over the city of Glasgow.

"[The quhilk day, in presence of the Lords of Secret Councill, compeirand Sir Thomas Hamiltoun of Monkland, knycht, advocat to our Soveraine Lord, according to his Majesteis speciall direction sent to him, [he] gave in the letter underwrytten, desyreing the samyne to be actit and registrat in the Books of Secret Council *ad futuram rei memoriam.* Quhilk desyre the saids Lords finding reasonable, they have ordanit and ordanis the said letter to be actit and registrat in the saids books *ad futuram rei memoriam;* of the quhilk the tennor follows:—"JAMES R. Quhairas, upon speciall considerationes of the present estaite of our city of Glasgow, being in quantitie and number of trafficquers and others inhabitants within the same inferior to few of the cities and burrows of that our kingdome, we wer moved to cause our right trustie cousine and councillour, Ludovick, Duke of Lennox, demit and overgive all claime of right he could pretend to ony superioritie abone the said citie in election off thair magistratis. Nevertheless, our said cousing, fearing justlie that, be the obscuritie of that write quhich wes then set doune anent the said mater, some schreud interpretation may be made of the words thairin, not onlie direct against the meaning of][1] the subscryvair of the write, bot forder then ony thing that wes desyrit be us to be ovirgevin be oure said cousing: for cleiring quhairof, and taking away all scruple in that mater, we do heirby declair that by the said write thair wes na forder meanit to be ovirgevin bot all clayme of superioritie that mycht onyway be pretendit or challengeit be the said Duke of Lennox in the nominatioun or electioun of the magistratis of that citie; in whiche cais, as the same wes frelie renuncit be him, so wes it oure intentioun to grant unto the said citie als grite fredome of electioun of thair awne magistratis yeirlie as ony uther frie burgh or citie within that our kingdome, and that the same sould be als frie as ony burgh of regalitie quhatsumevir. Bot that athir his rycht of justiciarie and bailliarie of regalitie wer ony way renuncit or ovirgevin, it is so far athir frome oure desyre or his grant as that heirby we do certifie

Recovered Fragments of Acta 1605–6. Page 401.

[1] The words enclosed in square brackets are taken from the *Skene Abridgment.*

that nathir wes ony suche thing meanit, nather ar we of ony uther mynd bot that our said cousing sall still bruik and enjoy his richt of justiciarie and baillierie of regalitie within and abone the said citie of Glasgow, conforme to his richtis, infeftmentis, and securiteis thairof, and that the said citie of Glasgow sall have als frie electioun of thair magistratis yeirlie as athir Edinburgh, Perth, Dundie, Striviling, or ony uther frie burgh or citie within that our kingdome, and als frie as ony burgh of regalitie quhatsumevir. And, in takin of his particular approbatioun of the premissis and his ovirgevin of his clayme of superioritie in the electioun of the magistratis of the said citie, oure said richt traist cousing hes subscryvit thir presentis with his hand. And we ordane these presentis to be insert and registrat in the Buikis of Secrite Counsale *ad futuram rei memoriam*. Gevin at Hamptoun Court the xxvii day of September 1605. *Sic subscribitur:* Lennox." Recovered Fragments of Acta 1605–6.

Holyrood-house, 10th November. Proclamation against Thomas Percy, one of the conspirators in the Gunpowder Plot.

"Forsamekle as ane Thomas Percy, a gentilman pensionair to his Majestie, is discovered to have bene prevey to the moist horrible and detestable treasoun contryved aganis the royall persone of oure moist gratious Soverayne, the Quene, the Prince, and the haill nobilitie and commonis of England, in blawing up with gun pulder the utter house of the Parliament quhair they sould have bene assembled upoun the fyft of this instant; lyke as the said Thomas Percy, takand this foull and treasonable cryme upoun him, is fled and is fugitive towardis the Bordouris of this cuntrey, quhair he intendis to [get] some ressett and ouersicht, and utherwyse to do quhat in him lyis to mak sum sture and busynes upoun the lait Bordouris: Thairfore ordanis letters to be direct to command and chairge all and sindrie our Soverane Lordis officiaris and loveing subjectis to mak diligent searche for the said Thomas, and to apprehend him by all possible [diligence], and to keip him alyve, and to present him heir afoir the Counsale, to the effect the rest of his conspiratouris may be discovered, The [said Percy] is a tall man, with a grite braid beard, a gude face, [the collour] of his beard and heid mingled with quhyt hairis, bot the [head more quh]yte nor the baird: he stoupeth sumquhat in the schoulders, weill culloured in the face, lang-fuited, small-legged:—Certifeing heirby Page 402. all and quhatsumevir personis quha sall hurd and keip the said Thomas, or transport him ouer sey, or knawis of the said Thomas ressett and conceale the same and sall not do thair diligence to aprehend him, that they salbe repute and estemit as gilty and conspiratouris with him in the detestable treasoun foirsaid, and salbe persewit and punist thairfore accordinglie."[2]

[1] The words enclosed in square brackets are taken from the *Skene Abridgment*.

[2] The news of the famous Gunpowder Plot in Westminster of the 5th of November 1605 must have reached Edinburgh, in the usual course, on the 9th, if not on the 8th; but the present proclamation in Edinburgh in connexion with it on the 10th must have been in consequence of a special communication from London. In addition to the present and subsequent references to the Plot in the *Acta* of Council, see, among the *Royal and other Letters*, a letter from the Council, dated "Edinburgh, November 1605," congratulating his Majesty on his escape.

Recovered Fragments of Acta 1605–6.

Sederunt—Cancellarius; Angus; Erroll; Linlithgu; Flemyng; Elphingstoun; President; Master of Montrois; Newbotle; Comptroller; Spynie; Abircorne; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Halyruidhouse; Advocate; Collector; Bruntiland; Kilsyth; Cranstoun-Riddell; Justice Clerk; Privy Seal; Clericus Registri. Edinburgh, 14th November.

Decree against Bruce of Pitlethy for lying at the horn as debtor to the Laird of Durie.

Complaint by Robert Durie of that Ilk that Robert Bruce of Pitlethie, who had been put to the horn upon 14th February 1603 for not relieving complainer of all payment of 6000 merks "tailyeit gold," and . . ., with the annualrent thairof, at the handis of David Lauder, by paying the said sum to the said David with the byrun annualrents thereof, and for not refunding to complainer six . . . . merks for the cost and damage sustained therethrough, remains yet unrelaxed.—Complainer appearing by Robert Alexander, his procurator, but the defender failing to appear, the Captain of the Guard is to apprehend the defender.

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Anent Wishart younger of Pittarro, and his breach of ward.

Considering the "grite contempt done be Wischert, appeirand of Pittarro, in his treasounable breking of waird and refuseing to re-entir thairin" (*ante*, pp. 140–141), the Lords ordain Sir Thomas Hammiltoun of Monkland, King's advocate, to libel a summons of forfeiture against the said Wischert, to be pursued in the next Parliament.

King's Advocate against the Master of Crawford for the barbarous slaughter of Sir Walter Lindsay: Defender to be denounced for non-appearance.

"Anent our Soveraine Lordis letters reasit at the instance of Sir Thomas Hammiltoun of Monkland, knycht, his Majesteis advocat, for his Heynes intresse, makand mentioun that, quhair David, Maister of Craufurd, haveing consavit ane lurkand haitrent causles aganis umquhill Sir Waltir Lindsay of Balgayis, kuycht, to quhom, besydis the commoun dewtie of blude and freindschip, he wes particularlie obleist for his grite kyndnes and beneficiall help extendit be him to the said David, Maister of Craufurd, in his distres, and the said umquhill Sir Walter luiking for nothing les then to have ressavit evill will for guid deserveing, and being of intentioun to ryde fra Breichin to Edzell to his brother in peaceable and quiet maner, the said Maister of Craufurd, being in the place of Edzell, and then getting knaulege of the said umquhill Sir Waltiris purpois to come to the said place, the bettir to get certantie of the tyme and maner of his jornay, haisted [hi]m[1] to Brechin, and thair, upon the xxv day of October last, [ha]veing tryit the said umquhill Sir Waltiris dyet, raid furth [of] the toun of Brechin before the said Sir Waltir, and dernit [him]selff in a quiet pairt of the hie way, and lay in wait for [the] said Sir Waltir, appointing ane of his company to watche [upon] the heich quhair he mycht sie afar of the said Sir Walteris [approach]eing; quha, according to his said maisteris directioun, haveing [espyed t]he said Sir Waltir comeand furth the hie way, haisted to [his maiste]r and maid him spedie adverteisment thairof; quha prepair[ed him]selff to execute his intendit murthour of the said Sir [Walter, acc]umpanyed with James Stewart, sone to umquhill James, Lord Stewart of Newtoun, Hary Lindsay, callit of Blaryfeddane,

Page 404.

[1] The words enclosed in square brackets are taken from the *Skene Abridgment*.

and , his said spy, quhome he had prepairit with himselff to conspyre with him in the devise and executioun of the said Sir Waltiris murthour; raid to ane house ewest to the pairt quhair they had lyne darned, and, casting thair cloikis frome thame, spurred with all possible haist and speid to the said Sir Waltir, and cruellie and unmercifullie, of sett purpois and foirthocht felloun, invaidit him for his slauchter. And, notwithstanding all the defence he could mak, efter that they had with the force of thair mony strykis brokin his sword, quhairby he being disairmed could nather offend thame nor diffend himself, they barbarouslie, cruellie and unmercyfullie magled, dismemberit, and slew the said umquhill Sir Waltir, and gaif him ma nor twenty bludie woundis; quhairof the maist pairt wer deidlie. Quhairwith not content, after that they had left him deid and riddin fra him ane far way, they returned bak, lichted and cuttit his throte; committing thairby ane murthour sa vyld and odious, baith in respect of the innocency of the pairtie, want of just querrell, and not lauchfull denunciatioun of thair bloodie intentioun and upgeving with him, and cheiflie be the barbarous and abhominable crueltie usit aganis him, not onlie in bereving him of his lyff, bot alsua magling and dismembering of his deid corpis, as requires maist seveir and examplair punischement. And anent the chairge gevin to the saidis David, Maister of Craufurde, Hary Stewart, [and] Hary Lindsay, callit of Blarifeddene, to have compeirit personalie before the Lordis of Secrite Counsale this present [day], to have ansuerit to this complaint, and to have hard and [sein] sic ordour tane thairanent as appertenit, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame, and they failyeit, letters sould be direct [simpliciter to] put thame thairto, lyke as at mair lenth is contenit in the saidis letters, executionis and indorsationis thairof. Quhilkis being callit, and the said persewair compeirand personallie, and the saidis David, Maister of Craufurd, Hary Stewart, and Hary Lindsay being oftymes callit and not compeirand, the Lords of Secrite Counsale thairfore ordanis letters to be direct to [officers] of airmes, scheriffis in that pairt, chairgeing thame to pas and denunce the saidis David, Maister of Craufurd, Hary Stewart, Hary Lindsay, rebellis, and put thame to the horne, and to eschete, &c."[1] Recovered Fragments of Acta 1605-6.

Proclamation against Mr Alexander Lindsay.

"Forsamekle as Mr Alexander Lindsay, sone lauchfull . . David Lindsay of Edzell, knycht, Johnne Strauchane, tutour, ... toun, David Lindsay, younger of Vayne, Johnne Lindsay . . . . of Bordland, George Lindsay, brother to Johne . . . . . toun, Mr Johne Lindsay, brother to Alexander Lindsay . . . ., William and Johnne Lindsayis, brether to [follows a gap of six folios].

[Defect supplied thus by *Skene Abridgment*:—]

All persons discharged to resset or supplie Mr Alexander Lindsay, lawfull Skene Abridgment

[1] The affair which is the subject of this decree,—the slaughter of Sir Walter Lindsay of Balgavies by David Lindsay, Master of Crawfurd,—had occurred on the 25th October preceding. Memorable in itself, it was to lead to even more memorable consequences.

Skene Abridgment.

son to Sir David Lindsey of Edzell, John Straquhan, Tutor of Thornton, David Lindsey, younger of Vayne, John Lindsey, younger of Bordland, George, brother to John Lindsay of Covingtoun, Mr John, brother to Alexander Lindsay of Dunrod, William and John Lindseys, sons to Cullremond, Andro Straiton, servand to Alexander Straiton, younger of Louriestoun, George Lindsay, younger of Kethick, Mr Patrick, son to Patrick Lindsay, burges of Dundie, and George Straquhan, brother to the Tutor of Thorntoun, quho were denuncit for the shamefull slauchter of &c. Guthrie, servant to the Laird of Pittarro, comittit be thaim within the burgh of Edinburgh the, &c., day of, &c., last.

Haddington MS. Excerpts. Fol. 344, b.

Laird of Edzell contrair Cluny: Convocation sould be persewed at the Advocat's instance.

The Laird of Edzell and certane tennentis of the lands of per- sewed the Laird of Cluny Gordon for convocation of oure Soverane Lords lieges in armes, and cumming with the number of thrie score horsmen, with jakkis, lances, etc., and with ane displeyit pensell, to the saids lands of , eating and distroying the cornis with thair horses, ryding throw and tredding the same. It wes alledgit be the defendar that na proces could be grantit for the convocation, becaus the summonds wes not raised with concurrence of the Advocat. Whilk alledgence wes fund relevant for that pairt, in sa far as the witnessis being examined and having provin the convocation. Albeit the Thesaurar-depute and Advocat offerit to concur with the persewar, yit the Lords wald nather admit thame to concur or adjuge the defendar in ony penaltie to the Thesaurar or to the pairtie for the convocation, bot onlie for the oppression done to the pairtie in destroying his cornis; for the whilk Cluny wes wairdit.

Robert Douglas contrair Presbiterie of Dalkeith [who sued him to make his repentance for adultery.]

Ane Robert Douglas in Inveresk, being ordanit be the session of the kirk of Inveresk to mak his repentance for adulterie under the payne of excommunication, summond thame before the Secret Counsall to heir thame dischairgit of farther proceiding, becaus, the cryme of adulterie, whairupon thay meanit to proceid, being capitall be the Act of Parliament, gif he sould be compellit, upon probation ressavit be the session of the kirk be depositions of fellowes and huisies, to mak his repentance or for refusall thairof sould be excommunicat, thair tryell be ignorant, suspect, infamous or unlaufull witnessis sould be ane necessar prejudice to him in the criminall tryell before the Justice, to the perrell of his lyfe. In the whilk cause Maisteris Adam Colt and George Ramsay compeirand for the session of the kirk and presbiteire of Dalkeith, it wes alledgit, againis the reason of suspension, the letters sould be fund ordourlie proceidit, becaus, be Act of Parliament maid in anno 1581 anent the explanation of ane former Act makand notour adulterie to be puneissed to the death, it is declared that ane of the sortis of the said notour adulterie wes whan any man, being moneised to desist from suspect cumpanie and refusand, wes excommunicat, or, upon tryell before the session of the kirk being ordanit to mak his repentence for his disobedience, wes excommunicat: be the whilk Act it wes manifest that the Kirk had plane and laufull power of precognition before the persute criminall.—In respect of the whilk Act and upon consideration thairof, the Lords remittit the mater to

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the session of the kirk of Inveresk, for tryell of the sclander of the said adulterie, and compelling of the said Robert Douglas to mak his repentance for the sclaunder, allanerlie. Haddington MS. Excerpts.

To denounce Alexander Stewart.

Alexander, son of James Stewart of Allantoun, ordained to be denuncit for invading his said father, casting stones at him, and persewing him with a drawin sword. Skene Abridgment.

Order to transfer Captain Heron, in ward in Edinburgh Castle for lying at the horn for debt, to the tolbooth of Edinburgh.

Complaint by Johnne Menteth, son of the Laird of Kers, that, whereas Captain Patrik Hering had been denounced rebel for not paying pursuer certain sums of money, and whereas command had been given to the Captain of the Guard to commit the said Hering to ward in the Castle of Edinburgh, therein to remain at his own expense, not only are the said Hering's charges borne by his master, Johne, Earl of Mar, captain of the said castle, but in effect he is at free ward.—Charge had been given to Chairlis Panter, constable of the said Castle, to present the said Captain this day, that he might be committed to ward in the tolbooth of Edinburgh, therein to remain till he obtained himself relaxed; and now, the pursuer appearing personally, and the said Captain being presented, the order is to transfer him to the tolbooth accordingly. Recovered Fragments of Acta 1605–6. Page 417. Page 418.

Maxwell of Cowhill anent assythement for the slaughter of Maxwell of Kirkhouse: Action continued.

Complaint by Archibald Maxwell of Cowhill, and Maxwell, his son, as follows:—His Majesty, by his letter to the Lords of Secret Council, has ordained them "to tak tryell gif sic personis as be the lawis of this his Heynes cuntrey sould have tane burdyne upoun thame for the bairnis of umquhill Robert Maxwell of Kirkhouse, and being *vice parentum* to thame, did ressave dew satisfactioun and assythment fra the saidis complenaris for the said slauchter, and, the saidis Lordis of Secrete Counsale finding the said assythment to have bene ressavit, that then they (efter dew offeris of humilitie usit in reconsiliatioun of bludis to be maid be the saidis complenaris) sould tak ordour als wele for agreing of thame as releving thame of thair wairdis." Hence, it is necessary that such as know that the said assythement is satisfied should be summoned before the said Lords to bear witnessing therein.—Charge had been given to Johne Maxwell of Kirkconnell, Johnne Maxwell, tutor of Aikinheid, Edward Maxwell of Ile, Adam Strugeoun of Millerland, Andro Roriesoun of Bardannoch, William Creichtoun of Hill, Sir James Douglas of Drumlangrig, Menzies of Castelhill, Johne Lindsay of Auchinskeoch, Thomas Carrok, burgess of Drumfries, and Chairlis Maxwell, one of the sons of the late Robert Maxwell of Kirkhouse, to appear before the Secret Council to give evidence in the said matter, under pain of rebellion. The Laird of Cowhill now appearing and . . . . Maxwell being also present, the Lords continue this matter to the 15th . . . .

Edinburgh, 26th November.

Sederunt—Montrois; Chancellor; Angus; President; Newbotle; Bishop of Dunkeld; Halyruidhouse; Quhittinghame; Kilsyth; Advocate; Collector; Curriehill; Sir Johne Arnot. Page 149.

Complaint by Margaret Gray, relict, and George Gordoun in Belnaglak,

Recovered Fragments of Acta 1605–6.

eldest brother, with the other kin and friends, of the late Thomas Gordoun, burgess of Elgin, that, upon 19th July last, Johnne M°Cay, son of Alexander M°Cay in Over Arthurseir, and Finlay M°Cay in Arthurseir, tenants of Johnne Campbell of Calder, Ferquhar M°Kay, son natural of the said Alexander, tenant of Lauchlane M°Intosche of Dunnauchtane, and Angus Williamsoun of Termet, and Angus Mylnewart at the Mill of Invernes, tenant of Jaspert Cuming, sheriff clerk of Invernes, had been put to the horn for not finding caution for their compearance before the justice to underlie the laws for the slaughter of the said Thomas, and that, as the said persons are still at the horn, and are broken men, their said landlords ought to enter them.—Charge had been given to Williamsoun, Campbell, and Cuming to enter their said men; and now, the said Gordoun appearing for himself and the other pursuers, but the said landlords not appearing, the order is to denounce them rebels.

Angus Williamson and other landlords to be denounced at the instance of Margaret Gray and others, for not entering certain of their men to answer for slaughter.

Page 420.

Complaint by Mr Martyne Shoueir, a German, doctor of medicine, that Mr Alexander Betoun of Carsgowny, who had been put to the horn upon 4th March last for not paying him £1000, as by matrimonial contract between him and the said Mr Alexander, acting for his daughter Lucrace, remains unrelaxed. The pursuer appearing by . . . ., his procurator, but not the defender, the Captain of the Guard is ordered to apprehend and enter defender [follows a gap in the Register of three folios, partly supplied in *Skene Abridgment*, thus :—]

Decree against Mr Alexander Beaton for lying at the horn for debt to Dr Martin Shower.

Skene Abridgment.

There having a fewd fallen out betwixt Ramsay of Dalhoussie and John Elphingstoun of the Shank, they are dischargit to invaid others under the pain of rebellion.

[Auent Lairds of Dalhousy and Shank.]

Recovered Fragments of Acta 1605–6. Page 427.

[Imperfect record] to the effect that Johne Houstoun of Leny, who had been put to the horn on 12th June 1603, for non-payment of . . . ., together with £10 for expenses disbursed by the complainer in obtaining a decree of transferring, remains as yet unrelaxed.—The pursuer appearing, but not Houstoun, the Lords ordain the Captain of the Guard to apprehend and present Houstoun, seize his houses, and inventory his goods for his Majesty's use.

Decree against Houston of Leny for continuing at the horn for debt.

Complaint by Sir Thomas Kirkpatrik of Cloisburne against Thomas, his eldest son, as follows :—The said son, taking advantage of his father's absence furth of this realm on the King's service, has behaved himself "maist unkyndlie and unnaturalie" to his mother,—intending to possess himself of the pursuer's whole living and to compel his tenants to receive him for their landlord. In January, February, March, April, May, and June 1604 he ejected the complainer's tenant, Thomas Greir of Baljarge, furth of his lands of Rouchile, set to him in tack, and cruelly assaulted him because he would not renounce his obedience to the pursuer. In May he pursued Thomas Gilchrist, another of the pursuer's servants, for his slaughter; and in April last, while Jeane Cunynghame, pursuer's spouse and defender's mother, was drying some corns at the kiln of Cloisburnetoun, he came to the kiln and "maist barbarouslie kaist his moder

Sir Thomas Kirkpatrick of Closeburn against his eldest son for divers acts of oppression and unnatural conduct.

Page 428.

undir his feit and hurt and birsit hir," wounded Hendrie Tait, her servant, and violently reft the corns. In the month of , he reft the horse of complainer's tenant, Johnne Kirkpatrik of Gilkersland; and daily he cuts and destroys the complainer's woods, policy and planting, and intimidates complainer's tenants.—Both father and son appearing, the Lords decern the defender to find caution in 2000 . . . . for the indemnity of the complainer and his tenant, and to remain in Edinburgh till he find the said caution, under pain of horning. Page 429.

Recovered Fragments of Acta 1605–6.

Ninian's William Elliot and William Elliot of the Steill to be denounced for non-appearance to charges of reif.

Complaint by Hector Trumble of Stanylege, George Trumble, his son, and Hew Balfoure, cordiner in Stanylege, as follows:—In November 1601, William Ellot *alias* Niniane's Will, with certain thieves, came to Balfoure's house in Stanylege at night, and masterfully reft a gray horse, four year old, worth £100, together with a large milk cow, worth 40 merks, and certain plenishing of the house, such as bedding, cloaks, linen cloth, lint yarn, pots and pans, worth £40. The sum of £40 of "saulffer" having been given by Balfoure for the trial, Ellot had confessed the reif, and promised redress, in presence of Sir William Cranstoun, younger of that Ilk, who at sundry times had directed his precept for poinding the defender's goods therefor. Again, in November 1597, Will Ellot of the Steill came at night, with his accomplices, to the town of Roull, and there reft three cows with calf, each worth £24, a young nolt, worth £16, and certain plenishing, worth 20 merks, belonging to the said Hector and his son. He too had confessed the said reif and faithfully promised redress. Yet defenders now wrongously refuse to satisfy the complainers; and, albeit the said Sir William and the commissioners over the Marches have been desired to take order in the matter, they pretend to have no power, because the same has "lyne over sa lang."—The said Hector appearing for himself and for the other pursuers, Ninian's Will and Ellot of the Steill are to be denounced rebels for non-appearance. Page 430.

Proclamation charging all the fencibles of Scotland to hold themselves in readiness to rise for defence of his Majesty, the royal family, and the government, against the authors of the Gunpowder Plot conspiracy

"Quhairas, a maist cruell and detestable treasoun being conspyrit and intendit aganis the sacred persone of oure moist gratious Soverayne, the Quene, his darrest spous, thair royall progenie, and aganis a grite nomber of his Heynes best affected subjectis of all rankis and degries and haill body of the Parliament of England, be sic a monstrous and abhominable cryme as the lyke hes not bene hard of in ony kingdome or age, it hes bene the gude pleasour of God, quho evir hes had a cair of his Heynes royall and innocent persone, not onlie to detect and discover this unnaturall treasoun and miracu[lously] to deliver his Majestie frome the same, bot lykewyse [to cast] in his Heynes handis a grite many of the conspiratouris quho [wer] in airmes upoun the feildis, awaiting the event of thair vy[ld] interpryse, and resolved be oppin force and hostilitie [to have] prosequuted thair disperat intentioun, to the overthraw of [reli]gioun, subversioun of the haill estate, and def[aceing of the] honnour and majestie of this royall monarchie. And, [seing his] Majesteis loving and faithfull ministeris, [councill, nobilitie], clergie, and all his guid subjectis of that [pairt of his Hienes] kingdome, doith not onlie resent the

Recovered Fragments of Acta 1605–6.

indigni[tie of this more] then inhumane parricide aganis the persone [of our sacred] Soverane, the Quene, thair royall progenie, [and barbarous cru]eltie aganis the Estate not of thair awne [bot of all the rest] of his Majesteis dominions, and with [grite wisdome, courage], and fidelitie ar searcheing out and [ryping the bottom of] this detestable plott, quhilk, without the [concurse of all the] devillis and malignant spiritis within [the precinct of this] univers, thair suppoistis and deputyes [upon the face

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of the][1] earth, could nevir [have] bene excogitat, [it becometh his Majesteis] ancient and native subjectis of this pairt of his Heynes kingdome, quho, albeit not so neir, yit wer in no les danger of utter overthraw if (as God forbid) that divilische purpois had tane the expected event, not onlie to acknawlege with all kynd of thankfulnes the great diligence and panefull labouris of his Majesteis worthie counsallouris and faithfull subjectis of England, as said is, and to praise God for the same, and to acknawlege the haill body of this Estate greatlie boundin unto thame, bot lykewyse, as in praising God for the mercifull protectioun of this haill Iland frome confusioun in the preservatioun of his Majesteis royall persone and blissit progenie thay have manifestit thair joy, so in lyke maner to schaw thair reddynes in executeing all his Majesteis commandiementis, and to offer thameselffis, thair personis, goodis, and quhatsumevir is moist deir unto thame, in the defence of his Majestie, and to concur and assist with his Heynes worthie and weill affected subjectis of England, boith in searcheing, trying and avenging of that horrible devyse to the uttermaist of thair poueris. And thairfore the Lordis of Secrite Counsale ordanis herauldis, maisaris, pursevantis, and officiaris of airmes to pas to the mercat croces of the heid burrowis of this realme and utheris places neidfull, and thair in oure Soverane Lordis name and authoritie to command and charge all and sindrie his Heynes leigeis and subjectis, of quhat estate, qualitie, or degrie so evir they be of, betuix saxtie and saxtene yeiris, and utheris fensible personis, als wele dwelland to burgh as to land, within regalitie as ryaltie, within the haill boundis of this kingdome, that they and everie ane of thame, weill bodin in feir of weir, and with caryage and palyonis to ly on the feildis, prepair thameselffis and be in reddynes on fute and horse according to thair rankis, to rys and tak airmes and to pas fordwart with his Majesteis Counsale, Commissionair, or Lieutennent for accomplischeing of quhatsumevir his Heynes commandiement is, according as they salbe directit and adverteist by the nixt proclamatioun, undir the pane of tinsale of lyff, landis, and guidis. Gevin at Edinburgh, the xxvi day of November, and of the Kingis Majesteis reigne of Grite Brittayne, France, and Ireland the third and xxxix yeiris, 1605."

Decree for payment of Captain Heron's escheat to Sir William Menteith's son.

Supplication by . . . . Menteith, son of Sir William Menteith of Kers, donator to the escheat of Captain Patrik Hering, to the effect that, petitioner having received neither the said escheat nor the price thereof,

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and order having at last been given to the Captain of the Guard to apprehend Hering, mell with his houses, and inventory his goods, and

[1] The words enclosed in square brackets are supplied from the *Skene Abridgment*.

James Boiswele and Thomas Haitlie, two of the Guard, having accordingly intromitted with Hering's house and inventoried his goods, yet petitioner is still frustrated of the escheat, and will remain so unless the goods be made penny of for his use.—The Lords ordain the Captain of the Guard to appoint two persons of his company to sell the said goods and pay the price to the complainer. Recovered Fragments of Acta 1605–6.

George Hepburne against John Brown for threatening to slay him out of malice for having been beaten in a single combat between them in 1595.

A single combat having been fought by his Majesty's warrant between George Hepburne and Johnne Broun in the Cleuch in 1595," for cleiring of a challenge layed to the chairge of the said Johnne Broun be the said George Hepburne," and the judges in the combat "haveing found the challenge to be cleirit be the said George, quho overcame the said Johne and sp[ared his] lyff at the desyre of the saidis judges," Broun has ever since borne deadly hatred against Hepburne, and is resolved to have his life whenever "he may find the commoditie."—Charge had been given to Broun to answer [follows a gap in the Register of two folios, the conclusion of this last case being supplied by the *Skene Abridgment* thus:—] Compeiring, he said, albeit he had borne feud against Hepburne in tyme bygane, he wes content, in obedience to the Councill, to be reconcilled with him, and gave his oath that fra his heart he remitted Hepburne all rancour, and sould never quarrell him thairafter, and took him by the hand, and were reconceiled together. Skene Abridgment.

[The following memoranda are given collectively in the *Minute Book of Processes* for the month of November 1605:—]

Nov. 1605.

Rebellion: Robert Lundie against Jonet Andersone.

Rebellion: Issobell Lindsey against Alexander Kilpatrik.

Oppressione and ryott: Sir Thomas Kilpatrik against Thomas Kilpatrik, his sone. Minute Book. Fol. 11, a.

Proces of convocatione and wearing forbidden armour: Lindsey of Edzell against Gordon of Cluny.

Rebellion: Mathew Davie against Mr Johne Wardlaw.

Oppressione: Jonet Elphinstoun against Alexander Dumbar.

Oppressione: Johne Hay against the bayliés of Peibles.

Suspensione: Robert Douglas against the presbetry of Dalkeith.

Warrand to the Advocat to lybell and persewe a proces of treason against Wishart of Pittarro.

Ryott: Johne Bowr against William Hoome.

Proces: James Haitley against Andro Hoome for intrometting with certane goodis belonging to the persewer as donatour thaireto. Fol 11, b.

Rebellion: William Kemp against Sir James Scott.

Rebellion: Mathew Smith against Andro Newtoun.

Rebellion: Jonet Elphinstoun against Mr James Gavin.

Proces: Advocat against the Master of Craufurd and his complices, who had murdered Sir Walter Stewart [? Lindsay].

Band: Robert Scott for Thomas Jardin to appear before the Counsell.

Oppressione: James Pringle against Johne Pringle.

Minute Book.

Ryott: Simon Mill against Thomas Dischingtoun.

Rebellion: Robert Durie against Robert Bruce.

Warrand for intercommoning against Mr Alexander Lindsey and utheris.

Ryott: Johne Falisdale against Johne Galbraith.

Proces: Maxwell of Cowhill against Maxwell of Kirkconnell, &c., to declar that the nearest of kin of Maxwell of Kirkhouse are assythed for his murder, to the effect the persewer may be discharged thaireof.

Oppression: William Cairncroce against Sir James Bellenden.

Ryot: James Stewart against Alexander Stewart.

Proces of rebellion: the nearest of kin of umquhile Thomas Gordon against Johne M^{c}Key, &c.

Rebellion: William Litle against Alexander Scott.

Rebellion: Martha Murray against James Pringle.

Rebellion: Mr Martin Shower against Mr Alexander Beatoun.

Precognitione against Ramsey of Dalhousie and Elphinstoun of Shank.

Ryott: Robert Lindsey against Johne Craufurd.

Act to charge all persones betuixt 60 and 16 to be in readines in relatione to the discovery of the treasonable plott in England against the Kings persone.

Warrand to inhibit all persones from impeding Hectour M^{c}Clean to pay the Kinges deutyes.

Ryott: Johne Howrance against William Crichtoun.

Rebellion: William Ramsey against Johne Lindsey.

Rebellion: Robert Wardlaw against Johne Howison.

Oppression: Hectour Turnbull against William Ellott.

Rebellion: Kathrin Nisbitt against Mr James Borthwik.

Rebellion: William Smith against Thomas Greir.

Petitione: Johne Monteith craving that some of the Gúard may be commissionat to make penny of Captan Herringis goodis, escheitted and inventored for his rebellione.

Fol. 13, a.

Lawborrowes: Sir Thomas Kirkpatrik against the shereff of Drumfreis.

Letter be his Majestie to the Counsell for cleiring of the right of superiority granted be the Duke of Lennox to the toune of Glasgow.

Skene Abridgment.

There having feuds fallen out betuixt Logan of Bonytoun, and Kincaid, tutor of Waristoun, on the ane and other pairts, they are ordained to keip the peace, under pain of rebellion. 4th December. [Logan and Kincaid.]

"Forsamekill as it is understand to the Lords of Secret Concill that thair is diverse persons within the bounds of the barrony of Inuerleyth quha are visite and suspect to be foull of this contagious seiknes of the pestilence, be quhais misreull and refuseall to keip guid order and convein and hald thaimselfis apairt fra the rest of the baronie, quhilk yit, at the pleasure of God, is cleen of the said infection, and seiknes is lyke to spred athort the haill baronie, and sua to endanger the burgh of Edinburgh, quhilk is the ordinar place of his Majesties Councill and Session, without remeid be Holyrood-house, 5th December. Commission to Sir George Touris of Inverleith for the better suppressing of the plague now broken out among his tenants.

provydit, and that sic ordinarie and lawfull means be used quhilks at the guid pleasure of God may stay the course and progres of that seiknes: Therfoire the Lords of Secret Councill gives and grants full power and commission to Sir George Towres of Inuerleyth, barone of the baronie of Inuerleythe, and to his baillies of the said bailliary, to make and set doun acts, statutes, and ordinances for keiping of guid order amangst the inhabitants of the said barony during this present tyme of seiknes, and to injoyne paines and punishments against the contraveiners of the saids Acts, according to the nature and qualitie of the offence, and speciallie to make guid Acts for reteining and halding of the foul and suspectit persons from the clean, and for staying of the said foull and suspectit persons from wandering athort the cuntrey, and for compelling of thaim to keip sic pairts and places as salbe appointit to thaim for abyding of thair tryall and clenging. As alswa to make Acts and summer proclamations against sic persons as knawis thaimselfis to be foull and wilfullie and maliciously conceills the same, and punish thaim quha conceills and huirds foull geir. As alswa to take order how the puir and miserable bodys quha are infected and wants moyane of thair awne salbe sustenit and interteynt, and to execute the panis contenit in the saids Acts against the contraveiners. And, for this effect, to fence and hald courts and to creat officers and members of court neidfull; assyssis and witnesses als oft as neid beis, ilk persone under the paine of 40 lib̄s., to sumond, warne, cheise, and cause be sworne; and all uthers things requisite heiranent to do and use quhilk of law or consuetude of this realme is knawn to pertein: firme and stable halding and for to hald all and quhatsumever things salbe lawfullie done heirin. This Commission during the continuance of the said seiknes within the barony forsaid allenarlie to indure. Skene Abridgment.

Edinburgh, 19th December.

Sederunt—Chancellor; Angus; Mairshall; Mortoun; Elphingstoun; Newbottle; President; Abircorne; Scone; Glasgow; Ros; Dunkeld; Blantyr; Halirudhous; Master of Elphinstoun; Constable of Dunde; Quhittinghame; Privy Seal; Justice Clerk; Advocate; Collector; Cranstoun Riddell; Kilsyth; Sir George Dowglas.[1] Sederunts. Fol. 44, a.

[John Uddart against Edward Little.]

John Udward, merchant in Edinburgh, brother and heir of umquhill Alexander Udward, merchant thair, hes a caption against Edward Litle of Badirsgill for not payment of 300 merks. Skene Abridgment.

Decree against a rebel.

[Imperfect record, two folios being wanting.] Order to the Captain of the Guard to arrest some rebel, take his houses, and inventory his goods. Recovered Fragments of Acta 1605–6. Page 437.

Assurance between Ogilvy of Inchmartin and Ogilvy of Inchture.

The assurances between Patrik Ogilvy of Inchemertine and Kynnaird of Inchesture having now almost expired, both parties are to be charged to subscribe such form of new assurance as shall be presented

[1] In the *Skene Abridgment*, where the sederunt is also recorded, the Clerk of Register is entered as present among the Councillors.

Recovered Fragments of Acta 1605–6.

them, to endure to 1st January 1607, and to find cautioners for observing the same, within six days after the charge, under pain of rebellion.

Assurance between Montgomery of Skelmorly and others.

The assurances between Robert Montgomerie of Skelmourlie, on the one part, and Patrik Maxwell of Newark and Johnne Maxwell of Stanelie, on the other part, being now almost expired, there is to be the like

Page 438. charge to both these parties.

Assurance between the Earls of Glencairn and Eglinton.

Like charge to James, Earl of Glencairne, on the one part, and Earl of Eglintoun, and Robert, Lord Semple, on the other part.

Protest by Mr James Brown, minister at Kirkpatrick-Irongray.

Mr James Broun, minister at Kirkpatrik-Irnegray, appears and gives in a copy of the letters raised by Waltir Herreis of Knokshinnoch, charging the said minister to appear before the Secret Council this day, viz., 19th December, "to have hard and sene the forme of the sa . . . . his satisfactoun to be maid be certaine injurous s. . . . utterrit be him to the said Mr James s. . . . of Secrite Counsale at the leist remittit . . . . Synodole or Generall Assembleis as onlie . . . . thairto, and the said James dischairgit of . . . . the said Waltir in the said mater."—The said

Page 439. Herreis failing to appear, Broun protests that he shall be at liberty to proceed against Herries in the said matter, conform to the process already raised against him. The Lords admit the protest.

Decree against Gilbert Thornton and Alexander Strauchan for lying at the horn for debt.

Complaint by Grissell M°Tild and Issobell Auchinlekis, and by Waltir Ramsay, spouse of the said Grissell, bearing that upon 5th August last Alexander Strauchane, fiar of Brigtoun, and Gilbert Thornetoun, fiar of that Ilk, as sureties for the late James Strauchane of Carmylie, were put to the horn for not paying to complainers the sums of money specified in a contract between the said late James Strauchane, as principal, and the said Alexander and Gilbert, as cautioners for him, on the one part, and Gilbert Auchinlek of that Ilk, on the other part, dated at the Kirk of Kirkbuddow in December 1598, and that the said rebels are still unrelaxed.—Complainers appearing by the said . . . . , their procurator, but neither Strauchane nor Thornetoun appearing, the Captain of the

Page 440. Guard is ordered to apprehend and enter them, take their houses, and inventory their goods for his Majesty's use.

Protest by Lady Pitfirran against Sir James Scott.

Dame Issobell Hepburne, Lady Pitfirren, appears and gives in a copy of the letters raised by Sir James Scot of Abbotishall, charging the said (?) Margaret to produce this day her letters of horning against him, in order to the suspension of the same.—Sir James not appearing, she protests that the said letters shall be valid; and the Lords admit the protest.

Marion Hamilton against Martin Douglas and others for assault and spuilyie committed on her tenants.

Complaint by Marioun Hammiltoun, relict of [? Robert Ellot of Reid]heuch, and Williame Ellot, her son, that, upon day of , Martyne Douglas of the Cruik, William Douglas, his son, ... to James Douglas of Cavenis, William Douglas, *alias* Velnesberd's Willie, Johnne Patersoun, William Newbie . . . . . in the Kirktoun, all servitors to the . . . . Cavenis, and William Douglas in Deanbray, with others to the number of 24 persons, armed with jacks, lances, ... and other

Page 441. weapons, came at night to the pursuers' lands of Windintounrig, and to the dwelling houses of George Hardie and Johnne Armestrang,

their tenants, broke up the doors of the said houses, wounded their wives with the guards of their swords and with rungs and batons, and reft 20 old kye and oxen.—Charge had been given to the said Martyne, James Douglas of Kirktoun, David Andirsoun, William Douglas *alias* Velnesberd's Willie, William Newbie, and Johne Patersoun, to answer; and now, Williame Ellot appearing for himself and his mother, and the said defenders being also present, the Lords remit the matter to the Council and Session. Recovered Fragments of Acta 1605–6.

Munro of Fearn against Ross of Balamukie for spuilyie.

Complaint by Mr Johnne Monro of Ferne that Waltir Ros of Ballamukie, with others, all armed, came, upon 17th February 1603, at night, to the pursuer's "girnell" of Ferne, broke up the doors thereof, would have slain his servant, keeper of the same, if he had not escaped "throw the darknes of the nycht," and reft all the meal and other victual found in the girnel.—Pursuer appearing personally, Ros, for not appearing, is to be denounced rebel. Page 442.

George Young against Thomas Wilkie for non-payment of debt.

Complaint by George Young, dwelling outside the West Port of Edinburgh, and Issobell Wilkie, his spouse, that Thomas Wilkie, portioner of the lands of [Sauch]tounhall, and now in Wester Heillis, who had been put to the horn on the 18th December instant for not paying to them 800 merks as principal, with the byrun annuals thereof, and £80 for expenses, remains unrelaxed.—Charge had been given to defender to answer, under pain of being visited by the Captain of the Guard; and now [here follows a very long gap in the Register, extending to 77 folios].

[Kennedy of Culzean and others to be denounced for slaughter.]

James Kennedie of Cullain, John Hamilton and John Reidpeth, his servants, ordained to be denuncit for comeing to the dwelling hous of Kennedy of Bargany in Air about 10 at nycht, possest be Andrew Kennedy, burges of Air, quhairin wer lodgit Dorothie, sister of Josias Stewart of Bonytoun, and Alexander Ramsay, servant to the said Josias. Finding the said Ramsay (after search) in a chamber with the said Dorothie, Cullaine first shot him throw the body with 2 shotts of pistolls; thairafter he and his said servants gave him 24 deidlie wounds in his body, mangled and mutulat him in his legs and hands, and left him lyand for dead. Skene Abridgment.

[Caption against Melville of Carnbie.]

Elizabeth, ane of the 2 heires of umquhill Alexander Park, burges of Edinburgh, her father, and William Napier of Wrigthoussis, burges of Edinburgh, her husband, gets a caption against Melvill of Carnebie.

[John Winchester.]

John Winsister of Allerlus ordained to be denuncit for a civill debt.

[Order for appointing curators to Monypenny, younger of Pilrig, a minor, alleged to have been abducted.]

Persute at the instance of Martha Lundie, relict of &c. Monypennie, apparent of Pilrig, mentioning that, quhair Patrick Monypennie, now of Pilrig, her son, being in the company of umquhill Patrick Monypenny of Pilrig, his goodsir, be quhom he wes educat and brocht up to the tyme of his death, it is of veritie that, immediatlie after the death of the said umquhill Patrick, James Monypennie of Pitmillie, with others, his associats, came to the place of Glendoven, quhair the said now Pilrig wes for the tyme, and within quhilk place his said gudsir died, and violentlie took him out of the said place, and be flattering and allureing speeches intysed him to goe with thaim to the place of Cleish, quhair he was

Skene Abridgment.

deteined be Robert Colvill of Cleish, and is thair keept at the devotione of Pitmillie, quho intends, in Pilrigs minoritie (quho is not yit 14), ayther to make thair advantage of him and his mariage by joyning of him in mariage, to have commoditie without respect to the weill of his hous, or than to cause him consent to some unlawfull deid concerning his lands.—And anent the charge, &c.: Pitmillie presents Pilrig befoir the Councill, and told it wes his awn frie choice to remaine with Pitmillie, quhose daughter he had maried; and the Councill allowes thairof, and ordanis Pitmillie to exhibite him befoire the Lords of Session the 1st day of thair sitting, in as frie a condition as he is presentlie, without nomination of his curators, to the effect the said Lords may take orderr for the nominatione of the saids curators. And ordaines Pitmillie to find caution for this effect under the pain of 5000 merks, and not to goe out of Edinburgh untill he doe the same.

[Suspension of commission of justiciary to the Earl of Cassillis against Kennedy of Bargany and others.]

"Anent our Soveraine Lords letters raised at the instance of Thomas Kennedy of Bargany, and Josias Stewart of &c., his tutor, for his interest, makand mention that, quhair John, Earle of Cassillis, hes purchest ane commission of the Lords of Secret Councill for the persute, taking, and apprehending of Thomas Kennedie of Drumurchie and his complices, denuncit rebels and at the horne for the slaughter of umquhill the Tutor of Cassills, and for diverse uther crymes specifeit and contenit in the said commission, as [in] the samyne, givand power to him to asseidge houssis and raise fyre in all pairts quhair he suspects the saids rebells to be resset or huirdit, at lenth is contenit. Under the cullour of quhilk commission the said Earle and remanent persones nominat commissioners in the same intends to persew the saids compleiners and thair houssis with all kynd of hostilitie, and under the pretext and cullour of law to use thair private revenge against the saids compleiners and to bereave thaim of thair lyves; albeit it be of veritie that na sic priviledge or authoritie over the said compleiners can be competent in the persone of the said Earle, becaus thair is ane deidlie feid and inimitie standing betuixt the saids compleiners, thair kyne and freinds, on the ane pairt, and the said Earle, for the slaughter of umquhill Gilbert Kennedie of Bargany, father to the said Thomas and brother in law to the said Josias; quhilk feud stands yit unremovit or tane away. And in respect of this feid the said Earle is verie suspect to have ony sic authoritie or priviledge over the saids compleiners, and he will not faill under cullour of searching and seiking of the saids rebells to come to thair housses, persew and asseidge the same, and use all kynd of rigour against the saids compleiners, as he did against the said umquhill Gilbert Kennedy, the said compleiners father. And, to the effect the Lords of Secret Councill may understand that the said compleiners mynds nawyse to resset or huird the saids rebells within ony of thair housses of Bargany, Airdstincher, and Newark, the saids compleiners hes found caution actit in the Buiks of Secret Councill on nawyse to resset thaim within the saids housses during the tyme of thair rebellion, under the pain of 1000 lib. In respect quhairof the said commission, effect,

and execution thairof, in so farr as the same may be extendit to the searching and seiking of the saids rebells within ony of the housses forsaids, aucht and sould be suspendit and dischargit simpliciter upon the saids compleiners in tyme comeing, for the causses forsaids.—And anent the charge &c.: the Councill suspends the said commission in so farr as the same may be extendit to the searching and seiking of any of the saids persons, rebells abonespecifeit, within the housses abonewrittine, and discharges the said Earle of all putting of the same to any furder executione against thaim." Skene Abridgment.

28th December. [Proclamation against Mr John Hamilton and other Jesuits.] Proclamation against resetting or supplying Mr John Hamiltoun and Mr Robert Abercrombie, semenarie priests, quho had bein formerlie chargit to leave the kingdom, yit stayed thairin, deceaving ignorant people and perverting thaim and plotting against his Majesties Government. Thairfoir 1000 lib. is set upon everie one of thair heids, to be payed to thair apprehenders.

31st December. *Sederunt*—Chancellor; Mairshaell; Dunbar; Neubottle; President; Scone; Glasgu; Dunkeld; Ros; Privy Seal; Justice Clerk; Quhittinghame; Murdocarny; Brintiland; Advocate; Clerk of Register; Sir George Douglas; Sir Johnne Arnot. Sederunts. Fol. 44, a.

[Proclamation against Scott of Harden and certain others for hunting in Cheviot.] Proclamation against Walter Scot of Harden, James Gladstones, younger of Ormestoun, Robert Scott of Bowden, John Eliot of Hoipshaw, Symon Armstrong of Quhythauch, John Armstrong in Kynmonth, Robert Eliot of Lowriestoun, William Elliot of Dumboyline, Gilbert Eliot of Horslihill, for hunting in Cheviot and bounds of Riddisdale, spoylling the game and his Hienes woods, without consent of George, Erle of Dunbar, master of the same. Skene Abridgment.

[Earl of Orkney sued for divers acts of oppression.] Sir Patrick Bellenden of Evie, and Katherine Wilson, his spouse, persews Patrick, Erle of Orkney, for putting his eldest son in the buitis, carying away Adam, another of his sons, prisoner to Kirkwall, beseidging his hous of Stanehous (and took away himselfe, aged and sick, he being 72, in a wand bed), and delyvering his hous to keipers; and all because he would not dispon his lands to him. Bot, wanting probation, the Earle is assoilzied.—Mr Robert Henrysone of Holland, and Margaret Bonnar, his mother, persews the said Earle for many horrible acts of oppression, imprisonment, causing thaim grant severall bands for soumes of money, imposing taxationes, &c.; bot, for want of probatione, the Earle wes assoilzied fra most of thaim; and others were referred to Lords of Session.

December 1605. Sir James Sandilandis contrair Laird of Nudrie: Action anent the dispossessing of the Sir James Sandilands alledging that he had richt to the coilheuch of the Woulmet, and be vertew thairof had bene in possession mair nor ane yeir, be contracting with the greive and coilyearis, and ressaveing payment for the coillis wone in the said heuch, and be making payment to the workmen of thair oulklie fies, till laitlie that Francis Wauchop of Nudrie Merschell and Mr George Wauchop, with their complices, came and Haddington MS. Excerpts. Fol. 347, a.

Haddington MS. Excerpts.

violentlie and perforce dispossessed the said complinaris servandis aganis all reasoun, and thairby gave verie evill example, requyring speidie redres, in respect of the persewars absence and imployment in the Kingis actuall service: it wes alledgit be the defendar that he did na wrang in the apprehending of the possession of the said coill, becaus the same perteaned to him heritablie, and his richt wes acknawledgit be the woirkmen, wha voluntarlie contractit with the defendar without ony compulsion. Lyke as the persewar apprehendit the possession be the Comptrollar, Capten of the Gairde, upon his Hienes precept direct for possessing of the defendar: whilk, being defensis foundit upon the defendars richt and the action civile, sould be remittit to the juge ordinar.—In respect thairof the Lords remittit the mater to the Lords of Session.

Kings servant from ane coilheuch fund to be civile and remitted to the Session.

[The *Minute Book of Processes* gives the following memoranda collectively for December 1605:—]

Minute Book. Fol. 12, a.

December 1605.

Precognitone against Logan of Bonitoun and Kincaid of Warestoun.

Commissione to the Laird of Inverleith for making Actis amongst his tennentis for better repressing of pestilence amongst them.

Rebellion: Mareon Purdie against Thomas Rosse.

Ryott: George Dicksone against George Auchinlek.

Protestatione: Mr James Broun against Walter Hereis.

Protestation: the toune of Dornok against the Advocat.

Act ordaining Ogilvie of Inchmartin and Kinnaird of Inchestur to renew thair assurances

Protestatione: Alexander Brobner against Margret Gray.

Protestation: Dame Issobell Hepborn against James Scott.

Proces: Robert Douglas against the presbetrie of Dalkeith for wrongous excommunicating of him.

Ryott: George Irwing againt Jaffray Irwing.

Suspensione: Johnne Douglas against George Douglas.

Rebellion: James Haddan against Duncan Buchanan.

Rebellion: Johnne Udward against Edward Litle.

Protestatione: Mr James Broun against Walter Hereis.

Act to charge Skelmurlie and Newark to renew ther assurances.

Ryott: Mareon Hamiltoun against William Douglas.

Rebellion: Grissell Metild against Alexander Strauchan.

Precognition against Ramsay of Dalhousie and Elpistoun of Shanks.

Ryott: Johne Tenent against Hew Douglas.

Rebellion: Robert Dalgleish against George Douglas.

Letters: Wishart of Pitarro against David Lindsey for resett [? of] Alexander Lendsey and others.

Ryott: Josias Stewart against James Kennedy.

Wrongous imprisonment: Johnne Rob against the Baylies of Perth.

Ryott: Mr James Borthwick against Sir George Douglas.

Dec. 1605.

Rebellion: William Naper against George Melvill. Minute Book.
Rebellion: Johne Mowatt against Johne Wincester.
Protestatione: Mr Robert Irwing against Patrik Forbes. Fol. 12, b.
Rebellion: Johne Hucheon against Robert Cowie.
Ryott: Johne Monro against Walter Rosse.
Deforcment: Duncan Greirson against George Graham.
Rebellion: Johne Warrok against Johne Stevenson.
Act ordaining the Earles of Eglintoun and Glencairne to be charged to renew ther assurances for keiping the peace.
Oppression: Sir Patrik Bannatyne against the Earle of Orkney.
Ryott: Sir Johne Ker against William Aliesone.
Proces: Martha Lundy against Patrik Monipenny for delyverie to her of her sone wrongously deteaned be him.
Suspensione: Thomas Kennedy against the Earl of Cassillis.
Rebellion: George Young against Thomas Wilkie.
Bill: Mr Johne Hereot against James Pennicook for wrongous deteaning of Jonet Hereot.
Act discharging intercommuning with Mr Johne Hamiltoun and Abercrombie, papistis.
Ryott: James Weymes against William Boswall.
Ryott and oppression: Robert Henryson against Earl of Orkney.
Warrand to cite Scott of Harden and utheris for contravening ane Act discharging hunting within Cheviot.
Oppression: Johne Fairley against Elizabeth Dundasse.
Suspension: Sir James Scott against Dame Issobell Hepborn.
Act for proclamatione of the continuation of the Parliament while the 14 of Januar.

10th January 1606.

Sederunt—Chancellor; Marishaell; Dunbar; President; Scone; Ros; Halirudhous; Murdocarny; Quhittinghame; Privy Seal; Advocate; Collector; Clerk of Register; Cranstounriddell; Sir George Douglas; Sir Johnne Arnott. Sederunts. Fol. 44, a.

Proclamation against eating flesh in Lent.

Sik as eatts flesche in forbidden tyme sall be puneissed be payment of ane hundred punds erlis, ane hundred merks lords, fourtie punds ilk barron, and ilk oistler makand it reddie and selland it fourtie pund, and ilk gentilman and burgess at the Counsallis discretion. Na licence [to] be grantit bot upon ane docoturs testimoniall, and to lest na longer nor the pairtie remaynis diseasit. Haddington MS. Excerpts. Fol. 347, a.

[Litigants forbidden to convocate at days of law.]

Pairties havand actions before the Secret Counsall sall cum to the towne and compeir onlie with thair ordinar houshald. The persewar doing utherwayes sall tyne his cause; the defendar sall be repute guiltie and be denuncit rebell; and the pairties, and sik as sall accumpanye or assist thame, sall be wairdit and fynnit. And thair contravening this Act sall be tryit be aith, writ, or witnessis, at the Counsalls pleasour.

Pairties summond before the Counsall and not compeirand, it sall be

Haddington MS. Excerpts.

laufull to ressave witnessis and other probation aganis the non-compeirantis. Probation aganis non-compeirandis.

Commissioun for setting pryces upon writtis, registers, and seillis.[1] [Fees on writs.]

Sederunts. Fol. 44, a.

Sederunt—Chancellor; Mairshaell; President; Ros; Dunkeld; Haliruidhous; Quhittinghame; M°Kanzie; Murdocairny; Privy Seal; Collector; Advocate; Cranstounriddell; Fostersait; Sir Johnne Arnott. 16th January 1606.

Haddington MS. Excerpts. Fol. 347, b.

Jonet Mackullo persewit Ferquhard Monro, hir husband, for the violent and extraordinar crueltie usit aganis hir in brydling and leisching hir, whairby scho being compellit to flie from hir awin hous, he followit hir and tuke hir bak by force, and traillit hir be the hair, &c. Whilk being admittit to probatioun, and witnessis examinat and provand nathing bot the bruit of the cuntrey; yit, becaus the Lords fand appeirance and constant report of rigourous severitie, whairthrow the pairties wer not lyke to leive in any dewtifull societie, they ordanit the Bischoppes of Ros and Dunkeld and the Collectour to travell to appoynt the pairties,—wha, having met at dyvers tymes, at last concludit with consent of pairties that, during thair separatioun and whill it sould please God to move thair hairtis to adhere, the husband sould pay to hir yeirlie tuentie sex bollis beir, or els the pryces thairof, according to the feirs of Ros, at hir option. Janet Mackulloch against Farquhar Munro for "extraordinar crueltie."

Andro Henderson, chalmerlane of Scone, persewit ane Johne Rob and Jamesoun for hounding owt the said Johne Robbis wyfe with ane bend pistolet for the said Androis slauchter, and that the saids Rob and Jamesoun accumpanied hir whan scho came to have performed the said mischeif. The saids Rob and Jamesoun being tane and examinat in Sanct Johneston and thair depositions send to the Counsall, thairefter the Lords causit transport the saids wairdours. Wha compeirand, and being examined in thair presence, becaus be the tryell, and speciallie be deposition of famous witnessis, it wes fund that the said Johne Robis wyfe came and presentit ane bend pistolet to Andro Hendersoun in hir husbands presence and said scho sould 'do that never woman did, and that na man sould die for it bot scho,' and that thay pretendit thair quarrell to be aganis certane glassinwrichtis of Dundie wha wer not at that tyme in cumpanie with the said Andro Henderson: [therefore] that the said Johne Rob, hir husband, sould be banissed the schires of Perth, Angus, and Fyfe, under the payne of deid, and that he sould find caution to that effect, under the payne of thrie hundreth merkis. [The *Skene Abridgment* gives this case as follows:—]Andro Henderson, chamberlane of Scoon (the same quho wes ane evidence for the King anent Gowries Conspiracie), being assaulted by John Robsoun, glassinwright in Perth, and Agnes Ramsay, his spouse, Andrew Henderson contrair Johne Rob: [A husband banished for his wife's act].

Skene Abridgment.

[1] In the *Haddington MS. Excerpts* the three Acts immediately preceding are dated 2nd January; but in the *Book of Sederunts* (fol. 44, a) and in the *Skene Abridgment* they are dated 10th January.

and John Jamison, dagmaker in Perth, quho were vindicating the traitor Gourie, thai are thairfoir banishit the shyres of Perth, Fyffe, Forfar, and Lowthian, under pain of death. Skene Abridgment.

Francis Orme of Mugdrum ordained to be tane for not payment to Captane David Orrock, baillie, indweller in Leith, of 800 merks for not delyvering to [? him] ane whyte cursor horse.

21st January 1606.

Sederunt—Chancellor; Angus; Lynlythqu; Elphinstoun; Abircorne; Ros; Dunkeld; Halirudhous; Murdocarny; Brintiland; Quhittinghame; Justice Clerk; Advocate; Collector; Clerk of Register; Fostersait. Sederunts. Fol. 44, b.

Earl of Glencairn prays for restriction of his assurance to the Earl of Eglinton.

The Erle of Glencairne, being chairged to give assurance to the Erle of Eglinton, takand burding upon him for his kin, freinds, men, tennents and servands, &c., under the payne of money and of perjurie, gaive in his supplication to the Lords of Secret Counsall, declairing his willingnes to obey; bot, becaus the payment wes great, and sum unrewlie men of his freinds micht, by his knauledge and aganis his will, commit sum brek of the assurance whairof he micht be most innocent, thairfore he desyrit thair Lordships declaration that, he takand and presentand to justice the said offendar, he himself micht be frie of all payne and perrell of the said band. The mater being reasonit be sum of the Lords, wha thocht that na payne sould be incurrit be sik as wer innocent, and speciallie in this caice whair he offerit to verifie his innocencie be taking and presenting of the malefactour to justice,—sum alledgit that it wes not reasonable to snaire the nobilitie of Scotland with sik bands as micht draw thame to sik inconvenientis. It wes ansuerit be the Advocat that the strait forme of this band wes rather devysit to mak the pairties earnist and cairfull to prevent that na sik brekkis sould fall furth nor upon any desyre that the King sould have proffeit be the penalties conteanit thairin; bot, becaus this forme of assurance wes layid to all pairties chairgit wha wes at feud during the Kingis awin presence within the cuntrey, and na sic interpretation or limitation thairof ever aither socht or granted, it wes na reason to give any greater libertie nor wes before, and it wes meiter, whan any sik thing sall fall furth, to consider the particular according to the speciall circumstances thairof nor to set downe any generall declaration, the lyke whairof all uther pairties wald seik.—Whilk the Lords fand expedient. Haddington MS. Excerpts. Fol. 348, a.

23rd January.

Sederunt—Chancellor; Angus; Marishaell; Mar; Lynlythgow; Uchiltrie; Abircorne; Ros; Dunkeld; Blantyr; Haiyruidhous; Privy Seal; Justice Clerk; Advocate; Collector; Cranstoun Riddell; Quhittinghame; Murdocairny; Brintiland; Clerk of Register; M°Kenzie; Sir Michaell Elphinstoun; Sir Johnne Arnott. Sederunts. Fol. 44, b.

[Proclamation anent wearing robes in Parliament.]

"Forsamekill as the Nobilitie, Councill, and Estaits of this Kingdome, quhilks convenit at Edinburgh in the moneth of June last, thocht meit Skene Abridgment.

Skene Abridgment.

and expedient that the high court of Parliament of this Kingdom sould be honourit with all schaws of magnificence and state quhilk to the majestie of a high judgement apperteyned, and for this effect that all and sundry duikes, marquesses, earls, and lords of this Kingdom sould be prepared against the nixt ensewing Parliament to weir and have at the same thair robs,—viz., the dukes, marquesses, and earles, reid crymson velvit robis, lyned with whyte armingis and taffetie, and the lords with reid scarlet robis lyned after the same fashion,—lyke as the haill nobilitie of this Kingdome were adverteist heirof, alse weill be publict proclamation as be particular missive letters delyverit to every ane of thaimselfis: And seing the Parliament now shortly approaches, and that the Kings Majestie, our Soveraine Lord, hes speciallie recomendit to his Majesties Councill heir that this most decent and comlie order of wearing of robis salbe observit and begun at the said Parliament: Thairfoir the Lords of Secreit Council ordains heraulds or officiers of armes to pass to the mercate croce of Edinburgh, and thair be open proclamation to make new intimatione of the Act and Ordinance abonewrittine, and to comand and charge all and sundrie dukes, marquesses, earles, and lords that thai provyde thaimselvis with thir saids robis in maner abonewrittine against the said Parliament: with intimation as effeirs." [Compare *ante*, pp. 57–58.]

Haddington MS. Excerpts. Fol. 348, b.

The Laird of Johneston wes fund ane sufficient cautioner for the Bailyie of Nudries wyfe to the Laird of Comeiston. [Johnstone.

Sederunts. Fol. 44, b.

Sederunt—Commissioner; Chancellor; Angus; Elphinstoun; Uchiltrie; President; Scone; Ros; Dunkeld; Haliruidhous; Blantyr; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Quhittinghame; M^cKanzie; Fostersait; Sir Johnne Arnott. 30th January.

Act anent the impoist of the wynis. [Wines.]

Act anent Inglische goodis. [English goods.]

Anent the pryceis of the writtis and seallis. [Fees.]

Haddington MS. Excerpts. Fol. 348, b.

Ane commission wes socht to tak and apprehend the Maister of Craufurd and remanent personis denounced rebellis for slauchter of umquhill Sir Walter Lindsay. The Erle of Atholes name, being insert thairin, wes refusit, becaus he had professed himself pairtie; bot it wes grantit to the Sheriffs of Fyfe, Perth, Edinburgh, Forfare, Aberdene, and Stewart of Stratherne, and thair deputts. Sum reasoned that the Lord Drummond, stewart of Stratherne, wes not meitt, becaus he wes sisters sone to the said Sir Waltir; notwithstanding whairof the Lords granted the commission, becaus he wes ane juge ordinar, and thocht that gif thair wer slaknes in the judge ordinar commissions micht be gevin to the freinds of the pairteis greived. Thair wes commission gevin that same day to the freinds of ane gentilman of Atholl, who wes laitlie murthourit be sum brokin men of the name of Stewart, wha wes fugitive in the Hielands. Commissions [of Justiciary] againis rebellis.

Johne Mitchell persewit George Cambell and twa uther Cambellis, all thrie domestik servitours to the Lord of Loudoun, for cuming to his house John Mitchell contrair George Campbell

[anent a libel proven against absent defenders].

in the nicht, breking up the durris, chaissing him furth sark allane furth of his bed, persewing him for his slauchter, and geving to him foure bloudie wounds. The defendars not compeirand, the Lords ressavit witnessis; and, the libell being provin, the Lords decernit everie ane of the defendars to pay to the persewar the sowme of ane hundreth merkis, and to the Thesaurare, everie ane of thame, twa hundreth merks, and to enter in wairde during the King and Counsalls will, and to be chairged heirto within sex dayis, and gif thay failyie to denunce. Haddington MS. Excerpts.

31st January. [William Brown against Lord Oliphant for oppression.]

Lawrence, Lord Oliphant, having houndit out severall of his freinds and servants to oppress William Broun in Haggieshall, and having put a bowstring about the neck of James Spence, his servant, to cause him confess quhair his maister wes; and, for his not doing thairof, they put his thumbs in the doghead of a pistoll and threw the doghead togither with the vyce. Bot, for want of probation, his Lordship is assoilzied. Skene Abridgment.

[Caption against Stewart of Craigyhall.]

Hary Stewart of Craigyhall ordained to be apprehendit for not payment to Archibald Prymrose, wryter, of a civill debt.

[The *Minute Book of Processes* gives the following memoranda collectively for January 1606 :—]

January 1606.

Act prohibiting the eating flesh upon the Wednesdayes, Frydayes, and Saterdayes, nor in tyme of Lent. Minute Book. Fol. 12, b.

Act to charge the Lairds of Wareistoun and Bonitoun to subscryve assurances to uther.

Act impowering the Earle of Drumfermling and uthers to sett a pryce upon all sorts of letteris, wryttis, and seallis.

Act quhairby the Counsell declaris they will receave probation be witnessis, albeit the defender absent himself.

Act ordaining that no supernumerary persones accompany any to the place quher the Counsall sittis, or wher they are called judicially.

Ryott: Mr Robert Irwing against William Forbes.

Rebellione: the Kinges maister baxter against Sheillis and utheris.

Rebellion: the Laird of Howstoun against Mathew Finlasone.

Rebellione: Sir Johne Hamiltoun against Earle of Argyle. Fol. 13, a.

Rebellion: Francis Kinloch against Hendry Sinclar.

Rebellione: William Creichtoun against the Lord Maxwell.

Letters: Advocat against Thomas Garthland and utheris for intercomoning with Thomas Kennedy and utheris rebellis.

Suspension: James Kennedy against Josias Stewart.

Oppressione: Ker and Crichtoun against Howisone.

Diligence: Hendersone against Robsone.

Rebellion: David Orrok against Francis Orme.

Rebellion: Adam Bruce against Johne Younger.

Rebellion: Thomas Thorntoun against Alexander Strauchan.

Letters against Scott of Harden, &c., for hunting within Cheviot.

Letters: Johne Petrie against Alexander Falconer and Johne Hay, to M^{c}Milmorich and utheris, their tenantis and servandis.

Minute Book.

Ryott and oppressione: the ministeris of the presbetries of Drumfries against Maxwellis and utheris.

Ryott: Mr James Dundas against Patrik Dumbar and utheris.

Letters: Robert Dumbar against Colin Campbell, &c., to exhibit Ewin M^{c}Hucheon Beg and utheris.

Rebellion: Duncan Neish against Douglas of Reidhous.

Rebellion: William Balfour against Johne Dumbar.

Act ordaining the nobility to provyd thair robbis against the ryding of the Parliament.

Rebellion: the Commendator of St. Colmsinch against Steill and utheris.

Rebellion: Thomas Edgar against James Sheill.

Suspension: Elizabeth Dundas against Johne Fairly.

Rebellion: Adam Maull against Waddell and Huntar.

Rebellion: Archibald Prymrois against Hary Stewart.

Suspension: Hamiltones and utheris against the Earl of Marr.

Rebellion: James Kinloch against James Broun.

Ryott and oppression: Patrik Hepborn and utheris against Robert Hepborne and utheris.

Rebellion: Mark Acheson against William Wylie.

Ryott and oppression: Broun in Hagishall against the Lord Oliphant and others.

Ryott: Sir Johnne Ker against William Alieson.

Ryott: Mitchell against Campbellis and utheris.

Ryott: Broun and uthers against Gourley, *et e contra.*

Letteris: the ministeris of Drumfreice against M^{c}Gie, Broun, and utheris, papistis, for not producing a testificat of ther relaxation from the proces of excomunication.

Commissione to Johne Broun in Gorgiemilne to big a bridge at Sauchtounhall.[1]

[1] The extant records of Council for the month of January 1606 supplied by the *Haddington MS. Excerpts*, the *Skene Abridgement*, the *Book of Sederunts*, and the *Minute Books of Processes*, all taken together, are, it may be observed, rather meagre. Yet this was the month of one of the most serious transactions in the ecclesiastical history of Scotland. Some account of it is absolutely necessary for the understanding of what is to follow in the Register.—We have seen that, of the twenty-eight ministers that had been called to account for their concern in the Aberdeen Assembly of July 1605 (*ante*, pp. 103–104, p. 106, p. 109), *fourteen* had refused submission, and, having been brought to trial before the Council, on the 24th of October, had been remitted or committed to prison (*ante*, pp. 128–129, and pp. 134–137). *Six* of the fourteen were sent back to Blackness Castle, where they had been since the beginning of August, viz. John Forbes, minister of Alford, John Welsh, minister at Ayr, Robert Durie, minister of Anstruther, Andrew Duncan, minister of Crail, John Sharp, minister of Kilmany, and Alexander Strachan, minister at Creich; while the remaining *eight*,—Messrs John Ross, Nathan Inglis, James Greig, Charles Fairme, John Munro, William Forbes, James Irving, and Robert Youngson, — were distributed among other prisons. Now, the offence for which these fourteen had been thus punished was that of simple "rebellion," as the Scottish law called it,—meaning disobedience to the King in any form. But, in their trial before the Council on the 24th October, they had put in a *declinator* of the jurisdiction of the Council in the matter for which they were tried, maintaining that the holding or not holding a General Assembly of the Kirk could

Edinburgh, 4th February. Anent the prices of Writtis and Seales.

"The Lords of Secret Councill, considering the great extorsion used be the writters and clerks of all judicatores within this realme, in extorting fra the subjectis of the cuntrey sic unreasonable and exorbitant pryces for

Skene Abridgment.

be cognised only by the Kirk itself, and that the Lords of Council were not competent judges therein. This in itself became a new offence, and gave the King the opportunity he desired. Could not the fourteen be indicted capitally for actual "treason" on account of their *declinator*, and so brought more absolutely under his mercy? He had not ceased to urge this on the Privy Council in his communications from England; and, the Earl of Dunbar, his chief Scottish minister at the English Court, and his great go-between in such cases, having been at last sent down to manage the matter, due arrangements had been made. The 10th of January 1606 was appointed for an assize court at Linlithgow, before which the six ministers warded in Blackness Castle could be arraigned and tried on the charge of treason. The reason for selecting these six was partly because Blackness Castle was close to Linlithgow, but chiefly because the six were all in all the most important of the fourteen, and included the two indubitable leaders, Messrs John Forbes and John Welsh. There were various efforts and negotiations on the eve of the trial to induce the six to withdraw their *declinator* and come to terms; but, the men themselves proving firm, and the unanimous opinion of the Presbyterian brethren who gathered round them being that the terms offered were such as they could not accept without surrendering the cause of the whole Kirk, the trial proceeded.—It was one of the greatest constitutional trials in Scottish History; and Linlithgow was crowded on the occasion by noblemen, councillors, clergy, and lawyers. The presiding judge was the Justice-Depute, Mr William Hart; but he had for his assessors on the bench the following nobles and privy councillors:—the Earls of Montrose, Dunfermline, Mar, Linlithgow, and Dunbar; Lords Glammis, Elphinstone, Newbattle, Abercorn, Scone, Balmerino, and Tullibardine; the Prior of Blantyre, the Commendator of Holyroodhouse, Douglas of Whittinghame, Collector Preston, Privy Seal Cockburn, Justice-Clerk Cockburn, Melville of Murdocarny (elder), the Master of Elphinstone, and Livingston of Kilsyth. The public prosecutor was Sir Thomas Hamilton, the King's Advocate. The prisoners desired for their counsel Mr Thomas Craig and Mr William Oliphant; but, these having declined the duty, they chose instead Mr Thomas Hope and Mr Thomas Gray. The assizers or jury, rather carefully chosen by the prosecutor beforehand, but not objected to by the prisoners, consisted of the following fifteen persons:—Mark Swinton in Inverkeithing (chosen chancellor or foreman), Sir John Home of North Berwick, Sir George Home of Broxmouth, Sir John Forester of Carden, Sir Archibald Stirling of Keir, John Livingston of Dunipace, James Shaw of Sauchie, Harry Stewart of Craigiehall, George Home of Deans, Gavin Home of Johnscleuch, Thomas Livingston of Pantoun, Robert Livingston of Westquarter, James Gib, younger, of Carriden, Alexander Home of Renton, and Sir Patrick Hume of Polwarth. The question to be tried was presented before the Court by King's Advocate Hamilton in this syllogism,—"Whosoever, in whatsoever cause, declines the King and Council's judicatory incurs the guiltiness and pain of treason: But these upon the panel have declined the King and Council's judicatory: *Ergo*, they have incurred the guiltiness and pain of treason." As the minor was hardly in dispute the written declinator of the prisoners being extant with their signatures attached, the stress of the argument on both sides related to the major. King's Advocate Hamilton, to make out his case, had to fall back upon one of the extreme Anti-Presbyterian Acts of Parliament of 1584, passed during the dictatorship of that famous Captain James Stewart, for a time Earl of Arran, who, though he chanced to be the brother-in-law of John Knox, was still remembered as the most terrible hammer of Presbytery in all Scottish tradition (see Introd. to vol. iii. of this Register, pp. lv–lxxv). "It was answered (1) that the meaning of that Act was not to make all declinatours guiltie of treasoun; for it is acknowledged most lawfull in civill or criminall actiouns to declyne the Secreit Counsell as uncompetent judges, and to draw them to the Sessioun, shireffs, and justicers; and so it may be most lawfull in maters ecclesiastick to declyne the same Counsell, and to claime to the Generall Assemblie, or inferiour synods and presbyteries. (2) That that Act and the whole force therof was abrogated and repeeled expresselie by a posterior Act, in the Parliament holdin at Edinburgh in the yere 1592, in so farre as concerned maters of heresie, doctrine, sacraments, excommunicatioun, or discipline of the Kirk [the famous Act of the Chancellorship and Premiership of Maitland, Lord Thirl-

Skene Abridgment.

the wreatis as aucht not to be sufferit in ane weill-governit comonwealth, procureing thairby not only private grudge, bot publict exclamatione against the libertie and with-gait grantit to sic schamefull scafferie and

Anent the prices of Writtis and Seales.

stane, establishing or re-establishing Presbytery: see Introd. to vol. iv. of this Register, pp. lxvi–lxvii]: and so it is that to judge of the lawfulnesse or unlawfulnesse of a General Assemblie was a speciall point of discipline, yea that which keeped doctrine, sacraments, discipline, and all, in order uncorrupted. (3) That the Act bare an incurring of the paine of treasoun allanerlie, which paine can never justlie be inflicted unlesse the fact be found treasonable by the law; but so it is that there is no law defyning the declinatour of an incompetent judge to be treasoun." After such arguments between Lord-Advocate Hamilton and the counsel for the prisoners, with judicial interpositions by the presiding judge for the whole Court, and speeches by Messrs John Forbes and John Welsh for themselves and the rest, the decision lay with the jury; who had been warned by the King's Advocate that, if they did not convict, their conduct would be challenged, and they would be answerable to his Majesty. They were shut up for six hours, and then, about 10 o'clock at night, brought in a verdict of *guilty* by a majority of nine to six. The six who were for an acquittal were Stirling of Keir, Livingston of Dunipace, Shaw of Sauchie, Home of Johnscleuch, Livingston of Pantoun, and Livingston of Westquarter. Sentence on the prisoners was deferred till his Majesty's pleasure should be known; and they were ordered to be taken back to their former place of ward, to be kept there in stricter custody than before.—Such was the issue of the famous assize at Linlithgow on the 10th of January 1606. For additional details see *Spotswood*, 489–490, *Diary of James Melville*, 618–626, and *Calderwood*, vi. 374–391 and 449–477. The two last authorities, as might be expected, lay all possible stress on what were considered the unfair incidents of the trial, such as the part taken by the Earl of Dunbar and others of the Councillors and judges in pre-arranging the jury and concussing them while they were deliberating on their verdict. But that the Privy Council themselves regarded their success as a triumph, and acknowledged that they had exerted themselves to the utmost to gain it, and strained their powers even unusually, appears from their own remarkable letter to the King, by the hands of Secretary Balmerino, immediately after the trial, printed among the *Royal and Other Letters* in this volume. While pointing out that the issue of the trial had been to settle in his Majesty's favour a point of constitutional law till then controverted, viz. that a declinator of the jurisdiction of his Council in ecclesiastical matters amounted to treason, and so to place in his Majesty's hands an instrument hitherto wanting for compulsion of the Presbyterian clergy, Balmerino gives him to understand that the business had been far from easy. "Wherin yf these upoun whome your Majestie reposis the trust of your service heir had ony difficultie," he says, "God knowis; and oft they wished, yf so it micht haif bene with your Majestie's goode pleasour, that your Majestie myght haif sene the innumerable straitis wherunto they were drawne. And, to dissemble nothing, yf the Erll of Dunbar had not bene with us, and pairtlie by his dexteritie in advysing what was fittest to be done in everie thing, and pairtlie by the authoritie he had over his friendis, of whom a greate many past upoun the assize, and pairtlie for that some stood in aw of his presence, knawing that he would mak fidell relatioun to your Majestie of everie manis parte, the turne had not passed so well as, blessit be God, it hes."—From the letter which follows this of Balmerino to the King in the *Royal and Other Letters*, viz. the King's reply dated Whitehall, 22nd January 1606, it will be seen that, while thanking the Council for their "most resolute, discrete, and diligent behaviour in their cariage anent the conviction of these contemptuous and rebellious ministeris," his Majesty was not yet quite satisfied. He was content that the six convicted ministers should remain in prison in the meantime "with all suche circumstances of straitnes used unto them as is usuall for condempnit personis"; he instructed Secretary Balmerino to pen a short "declaratoure" or history of the whole transaction of the Aberdeen Assembly and its consequences, to be printed and published for the instruction of the Scottish lieges and the appeasing of the public excitement; but he declared it to be his determination,—"absolutely oure will" are the words,—that the eight clerical offenders who had not been put on their trial for treason with the condemned six should with all convenient speed be brought to like trial and condemnation.—The reader ought to pass to the next letter in the *Royal and Other Letters*, still dated in January 1606, but on some day after the 26th of that month,

Anent the prices of Writtis and Seales.

extortion, hichly to his Majesties offence and contempt, hurt and prejudice of his Majesties guid subjects, and to the reproach and sclander of the judges under quhais office and judicatiorie the saids clerks and writters serves: For remeid quhairof in tyme comeing the Lords of Secret Councill hes set doun the pryces of all letters, acts, infeftments, and writis proper, to quhatsumever clerkship within this realme, togidder with the pryces of the signet, privy, and great seales, quhairby the subjectis of the cuntrey may knaw and understand quhat pryce thai aucht to gif for every letter, write, extract, and seale heirafter, and be nawyse subject to the indiscretion of the writters and keipars of the seals. Quhilks pryces now set doun to [? be] the saids Lords, for the ease, reliefe, and benefeit of the subjects of the cuntrey, the saids Lords ordains and comands all and sundry clerks and writters, and the keipars of the seals, every ane in thair awn severall charge and office, to observe and keip, and on nawyse to exceid the saids pryces upon quhatsumevir cullour or pretence, under the pain of deprivatione of the contraveiner fra the office and seale quhilk he possest; and ordanis and commands the saids clerks and writtaris to write all thair letters, actis, writis, registers, and sic uther things as pass throw thair office and hands, compactlie, and on nawyse to abuse the people with disperse writing, under the pain to be censurit and punisht as abusers of his

Skene Abridgment.

conveying the answer of the Privy Council to his Majesty's suggestion or command that the remaining eight of the culprits in prison for their concern in the Aberdeen Assembly should be dealt with as the six had already been. The Council were in consternation, and all but positively refused. "With quhat difficultie and discontentment of your Majesties subjects of all degreis," they say, "we have effected your Majesty service we wish that your Majestie cleerly understoode; and, since the example is past upoun the principall actoris both in the pretendit Assembly and in the declinatour, and the rest of thame that are behind being but simple followaris, the renewing of ane pannell unnecessarlie aganis thame first renewis the discontentment of the people, and, nixt, will haif greatair difficultie nor your Majestie is war of. For, had all that wer of the Counsell thair knowne the eirand, some had been absent; and, had not some kythed thamselffis forder nor become the modestie of judgeis, thair had bene greatair contradictioun. And, for the jurye, thay that were upoun the last findis thameselffis sae mony wayes interessed by commoun and particulair exclamatiounis and outcrying of the people that hardlie will thay assay it again; and, althoght they wald, it sould incres the sclander that they wer keepit as a company of led men to pas upoun ministeris juryis, and so be a scandell to your Majesteis judgment and our lauchfull procedings." They go on almost to intimate that, if his Majesty persists, they must resign office and he must choose other Councillors, certifying that they "find this fyre, kindlit amang a few number, so oversprédding all the hole country that, except wyeslie it be prevented, greater inconvenientis will follow."—This information is amply confirmed by independent accounts of the state of popular feeling in Scotland in and after January 1606. The phrases "the condemned ministers," "the warded ministers," were in all men's mouths; even among those who favoured the tendency to prelacy the opinion was that the King was proceeding too fast and too harshly; and there was a distinct revival of Presbyterian zeal in other quarters. It was noted how many of the clergy had come forward to make common cause with the imprisoned fourteen. Among some forty leading ministers who had personally gathered round the six at Linlithgow on their trial, to advise them and condole with them, the two Melvilles, Andrew and James, were, of course, conspicuous. Indeed, from this date it has to be remembered that Andrew Melville, who has for some while past, by the compulsion of his peculiar circumstances, been rather in the background in the records of the ecclesiastical struggle, leaving the active work in the Fifeshire Synod and elsewhere to his nephew James, reappears openly in his old character as the Presbyterian chief. He was now in his sixty-first year.

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Majesties subjects, and as contraveiners of the saids Lords ordinance now set doun anent the saids pryces: comanding and charging alswa all and sundry clerks and writters bearing publict function and charge within this kingdome, that thai and every ane of thaim, within the space of ane moneth after the daite heirof, have the just and autentick of this Act, and of the pryces following thairupon, affixt in some publict and patent places of the buith and chalmer quhair thai write, quhairthrow all his Majesties subjects having adoe with thaim may have inspection of the same, and accordinglie knaw quhat to pay; and that the saids clerks and writters sall wryte upon the back of all writtis to be gevin out to [? be] thaim the just and ordinar pryces quhilk thai ressave fra the party for thair paines, and subscryve the same with his hand, under the pain of deprivatione of the contraveiner:— Anent the prices of Writtis and Seales.

Pryces set doun to the Clerks of our Soveraine Lords Signet to be taine heirafter for all signators to be formed and wreatten be them. [Table of Fees for Government offices.]

Ane signator of escheat,	—	xs.	—
Ane signator of escheat and lyferent,	—	xxs.	—
Ane signator of waird, nonentres, releife, and mariage,	—	xxs.	—
Ane signator of mariage allane, nonentres allane, or reliefe allane,	—	xs.	—
Ane signator of quhatsumever infeftment, resignatione, confirmatione, or erection, for the 1st through thairof,	—	xxxs.	—
And for every through ma besyde the first through,	—	xxs.	—
The precepts upon the signators to pay accordingly as the signator pays.			
Ane remission or respett,	—	xs.	—
The precept upon the remission,	—	xs.	—
Ane presentation to ane viccarage or personage,	—	xiiis.	iiijd.
Ane signator of ane bishoprick conteining a through of paper,	—	xxxs.	—
And for every through ma that the signator contains,	—	xxs.	—
The precept thairupon to pay accordinglie.			
Uther comon signators of pension, prebendaries, chaplanries, or gifts of offices,	—	xiiis.	iiijd.

Pryces set doun to the Keipers of the Thesaurarie Register to be tane heirafter of all sic gifts and signators as pass the said Register.

The escheit of a commoun man,	—	vjs.	viijd.
And for every persone ma that salbe contenit in the signator,	—	iijs.	iiijd.
Provyding that the payment *per capita* exceid not 10 persons, ther escheit and lyfrent to pay the double of the same soumes.			
The escheit of a barroun,	—	xiiis.	iiijd.
And for every person ma of the rank of a barroun contenit in the signator,	—	vis.	viiid.
And, provyding that the payment *per capita* exceid not 10 persons, thair escheat and lyfrent to pay the double of the same soumes.			
The escheit of a Lord of Parliament,	—	xls.	—
And for every persone ma of that rank contenit in the signator,	—	xxs.	—
Provyding that the payment *per capita* exceid not 10 persons, their escheit and lyfrent to pay the double of this soume.			
Ane legittimatione,	—	xiiis.	iiijd.

[Table of Fees for Government offices.]

Ane remission or respett to a commoun man,	—	vis.	viiid.	Skene Abridgment.
And for every person ma contenit in the signator,	—	iiis.	iiijd.	
The remission or respett of a barroun,	—	xiijs.	iiijd.	
And for everie person ma of that rank contenit in the signator,	—	vjs.	viiid.	
The remission or respett of a Lord of Parliament,	—	xls.	—	
And for every persone ma of that rank contenit in the signator,	—	xxs.	—	
Ane signator of infeftment of a 5 lib. land or under,	—	xxs.	—	
Ane signator of infeftment of a 10 lib. or under,	—	xxxs.	—	
Ane signator of infeftment of all other lands under barronyis or a 30 lib. land,	—	xls.	—	
The infeftment of a barrony,	—	ls.	—	
The infeftment of a lordship or erldome,	iiij lib.	—	—	
The waird, nonentre, releiffe, and mariage of a yeman,	—	xiijs.	iiijd.	
of a barroun,	—	xxijs.	viiid.	
of a Lord of Parliament,	iiij lib.	—	—	

Pryces set doun to the Collectors Register to be tane heirafter of all sic letters as passes that Register.

Ane infeftment of a 5 lib. land or under,	—	xxs.	—
Ane infeftment of a 10 lib. land or under,	—	xxxs.	—
Ane infeftment of all other lands under a xxx lib. land or barrony,	—	xls.	—
Ane infeftment of ane barrony,	—	ls.	—
Ane infeftment of a Lord of Parliament,	iiij lib.	—	—

Pryces set doun to the Keiper of the Register of Benefices to be tane heirafter for all sic letters as pass that Register.

Presentatione to a viccarage, with the Act of Caution,	—	xxs.	—
Presentatione to a personage, with the Act of Cautione,	—	xls.	—
ane abbacie,	iiij lib.	—	—
ane bishoprick,	vi iib.	—	—

Pryces set doun to the Wryter to the Privy Seale to be tane heirafter of all sic letters and writes as pass that Office.

The escheit of ane commoun man,	—	xiiis.	iiijd.
And for everie persone ma of that rank contenit in the signator, Provyding always that the payment *per capita* exceid not 10 persons, thair escheit and lyferent to pay the double of thir fees.	—	vis.	viiid.
The extract of the said escheit or lyferent,	—	xiijs.	iiijd.
The escheit of a barroun,	—	xxiis.	viid.
And for every persone mae of that rank contenit in the signator, Provyding that the payment *per capita* exceid not 10 persons, thair escheit and lyferent to pay the double of this fee.	—	xiiis.	iiijd.
The extract of the escheit and lyferent,	—	xxs.	—
The escheit of a Lord of Parliament,	iiij lib.	—	—
And for every persone ma of that rank contenit in the signator, Provyding that the payment *per capita* exceid not 10 persons, thair escheit and lyfrent to pay the double of this soume.	—	xls.	—
The extract of this escheit and lyfrent to pay,	—	xls.	—
Signator of a viccarage,	—	xxs.	—

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Signator of a personage,	—	xls.	—	[Table of Fees for Government offices.]
Signator of a bishoprick,	x lib.	—	—	
Signator of ane abbacie,	vj lib.	—	—	
Ane legittimatione,	—	xxs.	—	
Ane remission or respett to a comon man,	—	xs.	—	
And for every person ma of that rank contenit in the signator,	—	vs.	—	
Ane remission or respett to a barroun,	—	xxs.	—	
And for every person ma of that rank contenit in the signator,	—	xs.	—	
Ane remission or respett to a Lord of Parliament,	iij lib.	—	—	
And for every person ma of that rank contenit in the signator,	—	xxxs.	—	
Ane infeftment of ane 5 lib. land or under,	—	xxxs.	—	
Ane infeftment of a 10 lib. land or under,	—	xls.	—	
Ane infeftment of all other lands under a barony or xxx lib. land,	iij lib.	—	—	
Ane infeftment of ane barrony,	iiij lib.	—	—	
Ane infeftment of ane lordship of Parliament,	vi lib.	—	—	
The waird, nonentres, mariage, and releife of a comoun man,	—	xxs.	—	
of a barroun,	—	xls.	—	
of a Lord of Parliament,	v lib.	vis.	viijd.	

Pryces set doun to the Director of the Chancellarie to be tane heirafter of all sic letters and writes as pass that office.

Legittimations,	—	xls.	—
Remissions to a yeman,	—	xls.	—
And for every persone mae nor ane contenit thairin,	—	xxs.	—
Remissiouns to a barroun,	iiij lib.	—	—
And for every persoun of that rank ma nor are conteined thairin,	—	xls.	—
Remissiouns to a Lord of Parliament,	vi lib.	—	—
And for every persoun of that rank ma nor are conteined thairin,	iij lib.	—	—
The wrytting and registring of ane confirmation or infeftment of a 5 lib. land or under, with the precept of seasing following thairupon, dewlie and orderlie past the quarter seale,	iiij lib.	—	—
The wryting and registring of a confirmatione or infeftment of a 10 lib. land or under, with the precept of seasing following thairupon, duly and orderly past the quarter seale,	v lib.	—	—
The wrytting and registring of a confirmatione or infeftment of all uther lands under a barrouny or xxx lib. land, with the precept of seasing following thairupon, past the quarter seale,	vj lib.	—	—
The wryting and registring of ane confirmation or infeftment of ane barrony, with the precept of seasing, past the quarter seale,	x lib.	—	—
And for every barrony mae nor ane contenit therein,	v lib.	—	—
Provyding that the haill payment exceid not,	xx lib.	—	—
The wrytting and registring of ane infeftment of ane lordship or earldom, with the precept of seasing, dewlie and orderly past the quarter seale,	xx lib.	—	—
And for every barrony ma nor ane contenit in the infeftment,	v lib.	—	—
Provyding that the haill payment exceid not,	l lib.	—	—
Comissions orderly past the quarter seale for serving of breives in favor of a yeman,	—	xls.	—
Comissions seallit in favours of a barroun,	iij lib.	—	—
Comissions seallit in favours of a Lord of Parliament,	vi lib.	—	—
Tutorie datives dewly and orderly seallit, for the haill persons contenit in the tutorie,	—	xls.	—

[Table of Fees for Government offices.]

Skene Abridgment.

Presentation upon forfaltor or bastardie of small rents or lands within burgh, and of small peices of lands, for the wrytting and quarter seale,	—	xls.	—
And of uther lands of gritter availe,	v lib.	—	—
Ane breive,	—	vs.	—
Ane attorny,	—	ijs.	—
The registring of a retour to a comon man,	—	xiijs.	iiidj.
To ane barroun,	—	xxvjs.	viiid.
To ane Lord of Parliament,	—	xls.	—
Precepts upon the retour for lands under a 10 lib. land,	—	xls.	—
And gif the lands be above a 10 pound land, to pay accordingly, Provyding that the highest pryce exceid not 4 lib.			
The 2nd and 3rd precepts,	—	xxs.	—
The 4th precept conforme to the 1st precept.			
Summonds of error past the quarter seale,	iiij lib.	—	—
And in caice it contein many reasons, not to exceid,	vj lib.	—	—

Pryces set doun to the Wrytters of the Signet, to be tane heirafter of all letters, summonds, and writis quhilk passes thair hands, excepting alwayes signators quhairof the pryces are already set doun.

Advocations and suspensions,	—	xiijs	iiijd.
For the first through, and for every through ma that it conteins besyde the 1st through,	—	xs.	—
All common letters,	—	xs.	—
Contracts, for the 1st through,	—	xxxs.	—
And for every through ma that it conteins,	—	xxs.	—
Summonds, of ane through of paper,	—	xiijs.	iiijd.
And for every through mae that it conteins,	—	xs.	—

Pryces set doun to the Ordinar Clerks of the Session, to be tane heirafter of all sic letters, acts, and writs, as pass thair office.

The registring of ane obligation,	—	xiijs.	iiijd.
The extract thairof,	—	xiijs.	iiijd.
Acts and letters, 20s.,	—	xxs.	—
Ane Act of litiscontestatione in commoun and summar causes, for every through of the act and of the decreit, 20s.,	—	xxs.	—
And in matters of contentious disputatione heard in presence of the haill Lords, the pryce of the act of litiscontestatione to be at the discretion of the pairty.			
Commoun and ordinar extracts, for every through extractit,	—	xiijs.	iiijd.
The registration als mekle.			

Pryces set doun to the Clerks of the Bills befor the Session, to be tane heirafter of all bills and acts proper to that office.

Bills,	—	—	iiijd.
Acts of caution with the releiffe comissions, 13s. 4d.,	—	xxs.	—
Dispensations in favours of a pairty,	—	—	iiijd.
And for a scheriffdom, stewartrie, or burgh,	—	vjs.	viijd.
Acts of lawborrows, for every persone conteined in the act,	—	vjs.	viijd.
Advocations,	—	xxs.	—
Relaxations *per se*,	—	vjs.	viijd.
And for every person conteined therein accordingly.			

Skene Abridgment.

[Table of Fees for Government offices.]

Pryces set doun to the Clerk of Privy Council, to be tane heirafter of all sic letters and writis as passes that office.

Letters of complaint, conteining a through of paper,	—	xxs.	—
And for every through attour the 1st through,	—	xs.	—
Letters of lawborrows,	—	xiijs.	iiijd.
Ane act of caution with the releiffe,	—	xxs.	—
Acts of lawborrows for every person contenit in the act,	—	vjs.	viijd.
Decreits of a through of paper,	—	xxvjs.	viijd.

Pryces set doun to the Clerks of the Chekker, to be tane heirafter of all writs that pass that office.

Item, for writting, rolling, and extracting of a schereffe compt,	iii lib.	vis.	viijd.
Item, for wrytting, rolling, and extracting of ane chalmerlanes compt,	iij lib.	vjs.	viijd.
Item, for writting, rolling, and extracting of ane burrow compt,	—	xxs.	—
Item, for writting of ane extract of a rentall,	—	vjs.	viijd.
Item, for writting of ane compt to ony persone furth of the Comptrollar or Thesauraris compts,	—	vjs.	viijd.
Item, for allowance of ane gift in the chekker,	—	vjs.	viijd.
Item, for writting, rolling, and extracting of ane custome compt,	—	xxs.	—

Pryces set doun to the Keipers of our Soveraine Lords Signet, to be tane heirafter for all letters and writis that passes the Signet.

For summonds of quhatsumever qualitie,	—	xs.	—
For letters of inhibition and arrestment,	—	xvjs.	viijd.
For letters of lawborrows and criminall letters, how many persons soever be insert,	—	xs.	—
For ministers letters,	—	xs.	—
For all letters of horning of quhatsumever qualitie, except letters of lawborrows and criminall letters,	—	xxxjs.	viijd.
Ane relaxatione,	—	xs.	—
And accordingly, for every persone relaxt or composition, at the discretion of the keeper of the signet.			
For ane legittimation,	—	xxs.	—
For ane infeftment or confirmatione of a v lib. land or under,	—	xxxs.	—
For ane infeftment or confirmatione of a 10 lib. land or under,	—	xls.	—
For ane infeftment or confirmatione of uther lands, under a xxx lib. land or barony,	—	ls.	—
For ane infeftment of a barony,	iii lib.	—	—
And of sa mony mae different baronies as are contenit in the signator,	iii lib.	—	—
For ane infeftment of ane earldom or lordship of dignity,	vj lib.	—	—
And for every barony besyde contenit in the signator,	iij lib.	—	—
For comprysings,	—	xls.	—
For ane abbacie,	vj lib.	—	—
For ane bishoprick,	x lib.	—	—
For ane archbishoprick,	xij lib.	—	—
And, gif ane abbacie be includit, to pay	vj lib.	—	—
For ane remission to ane commoun man,	—	xxs.	—
And accordingly for every person contenit in the remission, and for every cryme.			
For ane remission to ane barron,	—	xls.	—

[Table of Fees for Government offices.]

Skene Abridgment.

And accordingly for every person of that rank, and for every cryme contenit in the signator.

For a remission to a Lord of Parliament, . . . iij lib. — —
And accordingly for every persone of that rank, and for every cryme contenit in the signator, ane patronage being insert in a barrony to pay the halfe pryce that the barony pays at the signet, ane taxt waird being insert to pay lykewayes the halfe pryce that the land or barony pays at the signet. A regalitie to pay the haill pryce that ane barony pays at the signet.

Prices set down to the Keepers of the Privy Seale, to be tane heirafter for all letters and writis that pass that seale.

For the escheit of a commoun man, ... — xxvis. viijd.
And for every persone ma contenit in the signator, . . — xiijs. iiijd.
The lyferent and escheat to pay the double of this soume.
The escheat of a barroun, ... — liijs. iiijd.
And for every persone ma of that rank conteined in the signator, — xxvis. viijd.
Ther escheat and lyfrent to pay the double of this soume.
The escheat of a Lord of Parliament, ... viij lib. — —
And for every persone ma of that rank contenit in the signator, iiij lib. — —
Thair escheat and lyfrent to pay the double of this soume.
For ane viccarage, ... — xls. —
For ane parsonage, ... iiij lib. — —
For ane abbacie, ... xij lib. — —
For ane bishoprick, ... xx lib. — —
For ane archbishoprick, ... xxiiij lib. — —
And gif ane abbacie be includit, ... xij lib. — —
For ane legittimation, ... — xls. —
For ane remission or respet to a common man, . . . — xls. —
And accordinglie for every person and for every cryme contenit in the signator.
For ane respett or remission to a baronne, . . . iii lib. — —
And accordingly for everie person of that rank and for every cryme contenit in the signator.
For ane remission or respett to a Lord of Parliament, . . vi lib. — —
And accordingly for every person of that rank and for every cryme contenit in the signator.
For ane infeftment or confirmatione of a v lib. land or under, . iii lib. — —
For ane infeftment or confirmatione of a 10 lib. land or under, . iiij lib. — —
For ane infeftment or confirmatione of uther lands under a xxx lib. land or barrony, ... v lib. — —
For ane infeftment or confirmatione of a barrony, . . vi lib. — —
And for every barony ma contenit in the said infeftment, . iij lib. — —
For ane infeftment or confirmatione of ane earldome or lordship of dignitie, ... xij lib. — —
And for every barony besyde contenit in the infeftment, . vj lib. — —
For ane compryssing, ... iiij lib. — —
For ane patronage insert in a barony, the halfe pryce of the privy seale.
For ane taxt waird, the halfe pryce that the land or barony payis at the seale.
For ane regalitie, the haill pryce that a barony pays at the seale.
For the waird, releiffe, nonentres, and mariage of men under barrons, ... — xls. —

Skene Abridgment.

For the waird, releiffe, nonentres, and mariage of a baron, .	iiij lib.	—	—
For the waird, releiffe, nonentres, and mariage of a lord of Parliament, ...	x lib.	—	—
For the waird allane of mean men, ...	—	xxxs.	—
For the waird allane of a barroun, ...	iij lib.	—	—
For the waird allane of a lord of Parliament, . . .	v lib.	—	—
For the nonentres allane of men under barrons, . .	—	xxs.	—
For the nonentres allane of barrons, ...	—	xls.	—
For the nonentres allane of earls and lords, . . .	iij lib.	—	—
For the mariage allane of men under barrons, . . .	—	xxxs.	—
For the mariage alane of barrouns, ...	iij lib.	—	—
For the mariage alane of lords of Parliament, . . .	v lib.	—	—
For common gifts of prebendaries, chaplanries, pensions, or offices, ...	—	xxxs.	—

[Table of Fees for Government Offices.]

Pryces set down to the Keiper of the Great Seale to be tane heirafter of a[ll] sic infeftments and wreatts as pass that Seale.

That the Keiper of the Grite Seal exceid not the quadruple of the Privy Seale, bot conforme himselfe thairunto in all points.

Anent chalmer fies.

The Lords of Secret Councill and Session finds that, in tyme bygane, quhen the dewtie of the chalmer fies first came in custome, na infeftment or signator payed chalmer fie except only resignations made in the Kings hands; and thairfoir the saids Lords declaires, statuts, and ordains that in all tyme coming na infeftment or signator shall pay chalmer fie except only resignations of lands halden of his Majestie, and that the dewtie of the said chalmer fie, to be tane for the saids resignations, sall be equall and proportionall to the dewtie and pryce due to the privy seale for the lands that salbe resignit: commanding heirby his Majesties ishearis, and thair deputes appointit for collecting of the said fies, that thai on nawyse violat this present Act, bot conforme thaimselves thairunto in all points, as thai will ansuer upon their obedience, and that the keipar of the signet and privy seale on nawayes stay nor hinder ony letter or write at thair seales for alleagit not payment of the chalmer fie, under the paine of deprivation.

[Table of Fees for Government Offices.]

Pryces set down to the Procurator Fischall, to be tane heirafter for forming of testaments.

For small testaments quhairin thair are litle gear and ane meane quote, ...	—	xiijs.	iiijd.
For testaments quhairin thair is meikle gear and ane grite quote,	—	xxs.	—
For the testaments of erles, lords, and grite barrouns, for every through, ...	—	xxxs.	—

Pryces set down to the Commissar Clerks, to be tane heirafter of all sic letters and writis as pass that office.

Ane summonds *ad instantiam*, with the signet, ...	—	—	viijd.
Ane lybellit summonds, with the signet, not exceiding half ane through of paper compactly written, ...	—	ijs.	—

[Table of Fees for Government Offices.]

The lybellit summonds exceiding half a through of paper,	—	iijs.	—	Skene Abridgment.
The putting of ane Act in the buik,	—	—	iiijd.	
And farder, as the writting salbe of quantitie at the discretion of the judge, and the extract of same als meikle and forder at the discretion of the judge.				
The summonds to sumond witnesses, quhider the pairty or his procurator be warnit *apud acta* or not,	—	—	viijd.	
For pronouncing of sentence in small actions of the availe of 20 libs. or within, quilks wer wont to be called decreits,	—	iiis.	iiijd.	
For pronouncing of sentence in caussis of greater avail,	—	vjs.	viijd.	
The precept executoriale upon the sentence,	—	ijs.	—	
The inhibition,	—	ijs.	—	
Precepts of arreistment,	—	ijs.	—	
For summonds to hear executors or datives given,	—	ijs.	—	
For registring of contracts, obligations or sic lyke evidents, not exceiding halfe a through of paper,	—	iijs.	iiijd.	
For registring of the same, exceiding halfe a through of paper,	—	vjs.	viijd.	
The extract quhairof, subscryvit be the principall clerk, halfe als meikle.				
The transumpt of evidents or writtings under the seale of office,	—	xiijs.	iiijd.	
The extracting of proces, written compactlie, ilk leafe on baith sydes,	—	ijs.	—	
The registring of ane testament conteining a through of paper,	—	xxvis.	viijd.	
And gif it exceid a through,	—	xxxiijs.	iiijd.	

Pryces set doun to the Sheriff Clerks, Steuart and Baillies Clerks, and Clerks of Regalitie, and to Clerks in Services be Commission, to be ressavit be thaim for all sic letters and writis as passes thair offices.

For a lybellit precept, being formed be the clerk, seallit and subscryvit,	—	xiijs.	iiijd.
And, gif it be not formit be the clerk, for the subscyving and sealling,	—	vis.	viijd.
Item, for ane precept of arreistment, with the seale thairof,	—	vis.	viijd.
For the act of lowsing of arreistment,	—	vjs.	viiid.
For the act of lawborrowes tane at the barr,	—	vjs.	viijd.
For ane act of curatorie, with the edict, process, and extract thairof,	—	xxvjs.	viijd.
For ane act of revocation or renunciation given in in write to be registered,	—	vjs.	viijd.
And the Lords of Secret Councill expressly prohibits and discharges that na act of revocation nor renunciation be ressavit be judiciall compeirance without a warrand in write bearing registration.			
For the extract of the revocatione or renunciatione,	—	vjs.	viijd.
For the act and precept of continuation in all causses,	—	vjs.	viijd
For ane act of litiscontestation, with the precept of dilligence, containing a through of paper or within,	—	xs.	—
And in caise it be mair nor a through, the payment not to exceid	—	xxs.	—
For buiking and extracting of every decreit within a through,	—	xs.	—
And for every half through that exceids the 1st through, written compactlie,	—	vjs.	viijd.
Provyding alwayis that the decreit exceid not xls, how long soever it be.			

Skene Abridgment.

For ane precept to poynd, eject, and remove, ...	—	xs.	—	[Table of Fees for Government Offices.]
For deduceing of ane proces to serve ane generall air, and for extracting and sealling the retour thairof, ...	—	xxxs.	—	
For the proces of a speciall service to lands, with the retour extractit and seallit thairupon, comprehending therein the oppyning and proclaiming of the breives, forming of the clame, and all things to be done in the proces, gif the lands extend to a 40 lib. land or within, ...	iiij lib.	—	—	
And gif it exceid a 40 lib. land, to pay. . . .	xij lib.	—	—	
For ane instrument of seasing upon the retour, . . .	iiij lib.	—	—	
And, gif it be a barrony and lordship of land, dispensing with the seasing to be tane at ane place, and gif the lands lye discontigue and farr fra the scheriffs residence, that they exceid not	x lib.	—	—	
For registring letters of horning upon a simple charge or foure formes, alsweill in the buikes of the clerks forsaids as in the clerk of registers buiks, for every through thairof, . .	—	vis.	viijd.	
And not to exceid xxs., how long soever the horning be.				
For inhibitions and relaxationes, how long soever thai be, .	—	xxs.	—	
For ilk through of all extractit processes, quhilk the wrytter salbe haldin to write compactly, under the pain to be punisht in caise he failyie, ...	—	xs.	—	

Pryces set doun to the Clerk of the Admiralitie, to be tane heirafter of all sic letters, acts, and writes as pass that office.

For a libellit precept, being formed and written be the clerk, and seallit and subscryvit, ...	—	xiijs.	iiijd.
And, gif it be not formed be the clerk, for sealing and subscryving theirof, ...	—	vis.	viiid.
For the precept of arreistment, with the seale thairof, . .	—	vjs.	viijd.
For the act of lowsing of arreistment, ...	—	vjs.	viijd.
For ane act and [proces of] continuatione, in all causses, .	—	vjs.	viijd.
For ane act of litiscontestation, with the precept of diligence, containing a through of paper or within, . . .	—	xs.	—
And, in caice it be mair nor a through, that the payment exceid not	—	xxs.	—
For buiking and extracting of every decreit within a through, .	—	xs.	—
And for every half through mair quhilk exceids the 1st through; quhilk the Lords ordains to be compactlie written, . .	—	vis.	viijd.
It is always ordanit and comandit be the saids Lords that the payment exceid not xls., how long soever the decreit be.			
For ane precept to poynd, ...	—	xs.	—
For ilk through of all extractit processes, quilk the writer salbe halden to writ compactlie, under the pain to be punisht in caice he failyie, ...	—	xs.	—

Pryces set doun to the Keipers of the Secretaris Register, to be tane heirafter of all sic letters as passes that office.

The Lords of Secret Councill commands and ordaines the clerks, keipers of the saids registers of the Secretary, that thai and every ane of thaim conform thaimselfis in thair pryces to the Acts of Parliament made anent the pryces of sic writs and letters as passes

[Table of Fees for Government Offices.]

through thair Registers, and that thai on nawayes presume to exceid the saids pryces, under the pain of deprivation. Skene Abridgment.

Prices set doun to the Clerks within Burgh to be tane heirafter for all sic letters, acts, and writis as passes the office of Common Clerkship within Burgh.

The clame of debt in matters of small importance,	—	—	xiijd.
The act of court, the 1st day, and all acts befoir litiscontestatione,	—	—	viijd.
The act of interloquitor or litiscontestatione,	—	xijs.	—
The acts of probatione *usque ad sententiam*,	—	xijs.	—
The extract thairof calling the action and warning the pairty and witnesses,	—	xijs.	—
The sentence pronouncing in small causses,	—	ijs.	—
And in grite causses not to exceid	—	vjs.	viijd.
The extract thairof,	—	vjs.	viijd.
In grite causses exceiding xl lib., the clame being on ane lybellit precept, for ilk precept forming and subscryving,	—	vjs.	viijd.
The act thairof,	—	—	xijd.
The act of interloquitor buiking,	—	—	xijd.
The extract thairof,	—	iijs.	iiijd.
The sentence pronouncing and buiking,	—	vjs.	viijd.
The extract of ilk through thairof, compactlie written,	—	vjs.	viijd.
All the acts in the proces, every act,	—	—	xijd.
The precept of poynding,	—	ijs.	—
The buiking of guidis comprysit be officiers,	—	vjs.	viijd.
The proces of comprysing of lands or annualrents, ilk through compactly written,	—	vjs	viijd.
Ilk act thairof,	—	—	xijd.
Ilk clame of injures that passes not to ane assyse, bot witnesses examined thairupon,	—	—	xijd.
Ilk dittay of straiks and bluide,	—	—	xijd.
The depositione of witnesses, ilk persone,	—	—	xijd.
Commission for examination of witnesses direct to other judges,	—	vjs.	viijd.
For proclaiming of the breive,	—	vjs.	viijd.
For indorsing of breive,	—	iijs.	iiijd.
For making of a clame in a generall service,	—	iijs.	iiijd.
For making of a clame in a speciall service,	—	vjs.	viijd.
For the acts of objections and replyes	—	—	xijd.
For buiking and extracting of a generall service, and directing of the retour,	—	xxs.	—
For buiking and extracting of a speciall service, and directing of the retour for ane tenement,	—	xxxs.	—
For tua tenements,	—	xls.	—
And gif thair be ma tenements the haill payment not to exceid	iij lib.	—	—
For ane instrument of seasing upon ane generall service,	iij lib.	—	—
Ane instrument of seasing upon ane speciall service,	iiij lib.	—	—
Ane charter of alienation,	—	xls.	—
And for ilk land ma nor ane contenit in the charter	—	vis.	viijd.
Provyding that the haill payment exceid not	iij lib.	—	—
Ane procuratorie of resignation,	—	xxxs.	—
And for ilk land ma nor ane contenit in the procuratorie,	—	vjs.	viijd.
And the haill payment not to exceid	—	xlvis.	viijd.
Ane instrument of resignation,	iii. lib.	—	—

Skene Abridgment.

Ane contract of alienatione containing a through of paper,	—	xxs.	—
And for every through ma nor ane,	—	xs.	—
The registring of ilk through thairof,	—	xs.	—
The extract and subscryving of ilk through,	—	xs.	—
For ane reversion written on parchment,	—	xls.	—
And, in caice of ma lands, not to exceid	—	liijs.	iiijd.
The buiking and extracting of every through of quhatsomever contract,	—	xs.	—
Charter pairty of ilk pairty of twa,	—	vjs.	viijd.
Indentures of ilk pairty of twa,	—	vis.	viijd.
Buiking of prenteisses,	—	ijs.	—
The extract thairof,	—	ijs.	—
Act of creating of burgesses and extract thairof,	—	xijs.	—
The gild tickeits,	—	xijs.	—
The entrie of schipis and boatis, and extract thairof,	—	iijs.	iiijd.

[Anent processes.] The Lords of Secret Councill and Session ordaines and commands that na proces be grantit befoir inferior judges in the first summonds, bot upon lybellit precepts and citation of xv dayis wairning, conforme to the Act of Parliament, and ordainis thir presentis to be publeisht and printit."[1]

Haddington MS. Excerpts. Fol. 352, a.

5th February. [Inventory of wines imported to be delivered to the tacksman] for payment of custom. That the maisters, awnars, and skippars of schippis gif up ane trew entrie of the haill wyne brocht hame within thair schippis, with the names of the merchants, awnars thairof, to the takismen of the impost, within tuell hours efter thair arryvall to the port or raid or oppin harbrie whair the wynes usis to be lost [loosed], under the payne of horning, and that the merchands pay sevin pund of the impost within ane moneth efter the lossing of the wynes, uther sevin punds within thrie moneths thairefter, and the last sevin punds for ilk tun within uther thrie monethis; and thay may be chairgit with horning upon ane simpill charge of 24 houres to pay efter ilk terme be expyrit.

Anent Inglis guidis. That na guides be schippit to England without ane cokquet, under the payne of confiscation, and that the guides be inventourit be the custumar with his particular certificat thairof, under the payne of confiscation of the veschell and guides to his Hienes use; as also that na schip cum

Fol. 352, b. from England without cokquet, or losse any guides whill thay have gevin the entrie thairof with thair cokquet to the custumars, under the payne of confiscatioun of the guides and veschellis; and that the saids haill guides be first broght to the custume house to be inventoured, and that nane be housed or concealed, under the payne of confiscation; and, gif the guides can not be apprehendit, the awner sall pay the availl of thame, and the certificat of the custumars of England sall be ane probation of the quantitie aganis the merchands or skippars before the Counsall or Chekker.

[Wines for private use.] The testimoniall gevin be any nobleman, barron, or gentleman of wyne furneissed to his house sall be subscryvit be him and his merchand, bearand that, upon thair faith, honour and conscience, that quantitie of

[1] This long Act regulating the rates of fees and charges in Government offices was ratified, in every particular, by Parliament on the 4th of August 1621. See *Acta Parl. Scot.* iv. 616–623.

wyn is trewlie tane to the furneissing of his house, to his own use allanerlie and na utherwayes.

6th February. *Sederunt*—Commissioner; Chancellor; Huntley; Angus; Mairshaell; Mar; Cassillis; Uchiltrie; Newbottle; President; St Androis; Ros; Dunkeld; Blantyr; Halirudhous; Privy Seal; Justice Clerk; Collector; Advocate; Clericus Registri; Constable of Dundee; M°Kanzie; Fostersait; Sir Johnne Arnott. Sederunts. Fol. 44, b.

Lady Blairquhan contrair Laird of Blairquhan: witnessis aganis absentis.

The Lady Blairquhan persewed hir sone, this Laird of Blairquhan, for violent taking of hir house, with convocation with pistoletts, forceing and dinging hir servands, &c. He not compeirand, witnessis wer ressavit; and, [they] having provin the libell, the Lords advysing what sould be decernit, and inclyning to decerne him to render the house and to be fynned and chairged to enter in wairde whill he fulfilled the decreit of Counsall, it wes opponit be the Marques of Huntlie and Erlis of Angus and Mar that the Counsall micht decerne efter that maner, becaus thair wes nather law to be the warrand thairof nor ordinar consuetude of the Counsall. It wes answered that the Counsall had chainged the auld certification of horning, and had tane tryell aganis absentis be ressaving probation according to ane Act maid thairanent; and in this caice, the defendar being fund be probation to have committed thir enormities, sik decreit micht be gevin as gif he had bene present,—to wit, to enter in wairde whill he payed ane fyne. And thairfore it wes voted be ane verie frequent Counsall that he sould pay twa thousand punds of fyne, and enter and remayne in wairde whill he payed the same, under the payne of horning. Haddington MS. Excerpts. Fol. 348, b.

[Anent excommunication of the Marquis of Huntly.]

The synods of Aberdein and Murray are discharged from excommunicating the Marques of Huntly and his spous quhill first his Majestie have occasion to confer with him and that thairafter his Majestie give direction quhat salbe proceidit in that matter, under the pain of rebellion. Skene Abridgment.

8th February. [Lord Maxwell and the Master of Marischal.]

John, Lord Maxwell, and William, Master of Marshall, declaired in presence of the Councill that thair wes noe quarrell betuixt thaim, and promised on thair honour not to quarrell uthers for the question standing betuixt John Stewart and the Laird of Loudquharne, and that non of thaim sould take partie with the ane pairtie against the other.

[William Keith.]

William Keith of Loudwhairne ordained to be denuncit for not compeiring to answer touching a combate undertaken be him.

Anent John Stewart and Nathaniell Keith [in a matter of combat].

The quhilk day, the Lords of Secret Councill having heard the relatioun made be John Steuart, son lawfull to Francis, sometyme Earle of Bothwell, anent the challenge of combate past betuixt him and William Keyth of Luidquhairne, as alswa haveing heard Alexander and Nathaniell Keiths anent the forme and maner of the escaping of the said William Keith of Luidquharne furth of thair chalmer, the said Nathaniell haveing promeist to the Earle of Marshall that he and his said brother sould be ansuerable for the said William, and that he sould be presentit this day befoir the Councill, the said Lords ordains the saids persons to be comittit

Skene Abridgment.

to waird within the Castell of Edinburgh, thairin to remaine upon thair awn expenssis ay and quhill thai be fred and releivit be the Councill. Edinburgh, 11th February.

Sederint—Commissioner; Chancellor; Balmerinoch; Bischop of Ross; Bischop of Dunkeld; Halyrudhous; Blantyr; M°Keinzie; Murdocairny; Bruntisland; Fostersait; Quhittinghame; Sir John Arnot.

The quhilk day the Lords of Secret Councill fred and releivit John Stewart furth of his waird within the Castell of Edinburgh; and, in respect of the contempt done be William Keith of Luidquhairne in his escaping and eschewing after that he knew that the Councill had given direction to take him, therfoir the saids Lords ordains him, and Alexander and Nathaniell Keiths, his uncles, to remaine still in waird quhill thai be fred and releivit. John Stewart releivit of his waird.

The quhilk day, in presence of the Lords of Secret Councill, compeirit personallie John Stewart, son to Francis, sometyme Erle of Bothwell, and William Keith of Luidquhairne, and declarit in presence of the saids Lords that thair wes na quarrell, haitrent, nor malice borne be ony of thaim against others, and promeist, band, and obleist thaim, as they will be ansuerable to his Majestie and his Councill, upon thair faith, honor, and credite, that thai nor nane of thaim sall not quarrell, invade, nor persew nor challenge uthers be word or write for onything that hes happenit and fallen out betuixt thaim in any tyme bygane preceiding the daite heirof. Lykeas thai renuncit and dischargit all bygane quarrells, greiffs, grudges, and conteists betuixt thaim, as gif the same had never fallen out. —*Sic subscribitur:* John Stewart; W. Keith of Luidquhairne. Anent John Stewart and Ludquhairne.

Sederunts. Fol. 44, b.

Sederunt—Commissioner; Chancellor; Argyll; Mairshaell; Cassillis; Uchiltrie; Neubottle; President; Spynie; Roxburgh; Master of Elphinstoun; Ros; Dunkeld; Blantyr; Haliruidhous; Murdocairny; M°Kanzie; Brintiland; Advocate; Clerk of Register; Kilsyth; Fostersait; Sir Johnne Arnott. Edinburgh, 13th February.

Skene Abridgment.

"Forsamekill as, our Soveraine Lord and his 3 Estaits of Parliament, convenit at Edinburgh in the moneth of May the year of God 1584 years, considering the grite harme and inconvenient quhich fell out in this kingdome through the wicked and licentious publict and private speitches and uthers calumnyes uttered by diverse unnaturall and undutifull subjects, to the disdaine, reproach, and contempt of his Majestie, his Councill, and proceidings, steirring up thairby his Majesties subjects to dislyke and unquietnes, and to cast of thair due obedience to his Majestie, thairfoir his Hienes and his saids Estaits of Parliament statute and ordaind that nane of his subjects, of quhatsumever function, degrie or qualitie, sould presume to take in hand in tyme comeing, privatlie or publictlie, in sermons, declarations, or private conferences, to utter ony fals and sclanderous speeches to the disdaine, reproach, or contempt of his Majestie, his Councill, or proceidingis, or to medle in the affairs of his Hienes and Estaite than present or to come, under the pain of death, certyfieing thaim Proclamation discharging all persons to utter slanderous speeches against the proceedings of his Majesties Council and Justice [and empowering magistrates and others to arrest any ministers whom they may hear using seditious language in the pulpit].

that sould be tryed contraveiners thairof, or quha sould hear such sclanderous speeches and not reveill the same, that the said pain of death sould be inflictit upon thaim without favour, as in the said Act of Parliament at mair lenth is conteined [*Acts of Parl.* iii. p. 296]. In the quhich Parliament also by ane uther Act our Soveraine Lord his royall power and authoritie above all estaites of this Kingdome, both spirituall and temporall, wes established, and thairfoir it wes ordained that na persone, of quhatsumever function or degrie, spirituall or temporall, sould decline his Majesties judgment in any matters of sedition or treasoun, quhilk in the said Act at lenth is conteined [*Acts of Parl.* iii. p. 292]. And further, in the Parliament held at Linlithgow in the moneth of December 1585 years, it wes statute and ordained be his Majestie and his 3 Estaits that all his Hienes subjects sould contein thaimselfis in quietnes and dutifull obedience to his Hienes and his authoritie, and in nowyse presume nor take in hand publictlie to declame nor privately to write any purpoise of reproach or sclander of his Majesties persone, estaite, or governament, or to deprave his lawis and Acts of Parliament, or misconstrue his Hienes proceidings, quhairby any dislyke mycht be moved befoir his Hienes, his nobilitie and guid subjects, under the pain of death, as in the said Act of Parliament at lenth is conteined [*Acts of Parl.* iii. 375]. Accordingquhairunto, in many generall meittings of the ministerie of this Kingdom, bot speciallie in that Assemblie held at Perth in March 1596 years,[1] the same wes speciallie inhibited. Notwithstanding quhairof, it is of trewth that some restles spirits, alsweill of the ministerie as uthers, abusing his Majesties bygane lenytie and favour, and presuming upon impunitie by the bypast prooffs and examples of his Majesties proceidings and dealing with thame,—quhairin his Hienes haith very cairfullie and tenderly soucht the peace of the Church, and the reteining of the preachers thairof in that modestie quhich apperteyneth to thair profession and calling,—cease not, publictlie in thair sermons and in thair private conferences, to impunge, [and] misconstrue the proceidings of his Majesties Counsall in the laite proces deducit against a litle handfull of the ministers, quho contemptuouslie made the fashion of a Generall Assembly and keipit a pretendit conventicle at Aberdein in the moneth of July last, and wilfullie and maliciously not only maintayned the same sensyne as a lawfull Generall Assembly (albeit for many guid caussis it be declaired unlawfull), bot lykewyse maist treasonablie and seditiously declyned the judgment of his Majesties Councill in this matter, and thairby denyed his Hienes royall power and prerogative; quhairof thai are found guilty by a verie famous inqueist of a number of honourable barrouns and gentlemen of a guid rank and credite: quhairby thes restles and unquiet ministers, profaning the chaire of veritie with sclanderous, seditious, and uncomelie rallings against the proceidings of his Majesties Councill as said is, in contempt and breach of his Majesties lawis and of the Acts and ordinances of the Church, do quhat in thaim lyes to corrupt the hearts and opinions of his Majesties guid subjects, and

Skene Abridgment.

[1] The Assembly meant is that of March 1596-7. See vol. v. pp. 366-367, footnote.

Skene Abridgment.

to alienat and withdraw thaim from thair due obedience to his Majestie and his Councill in matters verie unseamly in persons of thair profession and calling, and carying with it a very infamous scandale to the Church. But, seing mercy and clemency, quhich have ever accompanyied his Majesties governament, being extendit to unthankfull and bussy bodyes, produce nothing but contempt upon contempt, and the mare his Majestie and his Councill deale in peace with this sort of people thai are the mair arrogant and loftie, neglecting thair studie and privat contemplations, and spending the tyme appointit for preaching and instruction of thair flock in idle talk and impertinent discourses and medling with matters of Estaite, quhairof thair is no tolleration in any uther Reformed Church in Europe: his Majestie and his Councill thairfoir have resolvit no longer to spaire this proud and avowed contempt of his Hienes and his laws, bot to put the saids lawis to execution with all rigour against the contraveiners thairof. And, for this effect, ordanis letters to be direct to comand, charge, and inhibite all and sundry persons, his Majesties subjects, of quhatsumever degrie, qualitie, or condition soever that thai be, by open proclamation at the mercate croces of the head burrows of this Kingdome, that nane of thame presume or take upon hand, privately or publictly, in sermons, declamationes, or private conferences, to utter ony sclanderous speiches against the proceidings of his Majesties Councill and Justice in trying and punishing of the saids ministers, and in nowyse to meddle in that matter, nor in no other the affairs and proceidings of his Hienes and his Councill and Estaite, bygone, present, and to come, under the pain of death: certifying thaim, and thai faill and doe in the contrair thairof, as also quho sall hear the saids sclanderous, seditious, and uncomely speiches and not reveill the same to his Majesties Councill, that the said pain of death salbe inflicted upon thaim without favour. And siclyke to comand and charge all and sundry shereffs, stewarts, baillies of regalities, provosts, baillies, and counsall within burgh, noblemen, barrons, and gentlemen of power bearing ony office of magistracy to landwart, and each of them, conjunctly and severallie, quho salbe present, auditors and hearers of ony such fals, sclanderous, seditious, and treasonable speitches utterit in pulpits, publict sermons, or utherwyse, in reproach, contempt, or disdaine of his Majestie, his parentis and progenitors, his Hienes Councill and proceidings, or medling with the affairs of his Hienes or his Estaite, present, bygane, or to come, to arreist, take and apprehend the saids preachers immediatelie after thair comeing out of the pulpet, and to put thaim in suire custodie till his Majestie and his Councill be advertised, that order may be taken with thaim as accords, within xlviii hours nixt after the charge, under the pain of rebellion, and gif thai failyie, &c., to denunce, &c."[1]

[1] It is evident from this Proclamation that the advice of the Council to the King to be satisfied with having convicted six of the warded ministers of treason, and not to risk a jury trial of the other eight, had prevailed (*ante*, p. 166, footnote). For stopping the tempest of popular and clerical criticism which the proceedings against the warded ministers had evoked, the authorities were to trust to the general terror of such threats as this Proclamation contains. Note the return here, as in the trial at Linlithgow, to Acts of

[Caption against Lady Saltoun.]

Dame Jean Johnstoun, Lady Saltoun, ordained to be apprehendit for a civill debt. Skene Abridgment.

[Assurance between Lord Roxburgh and others.]

Robert, Lord Roxburgh, on the ane pairt, and Sir Andro Ker of Phairnyhirst, Sir Robert Ker of Ancrum, and William Ker, his brother, on the other pairt, ordained to assuire others becaus of ane old feud.

Gawin Home contrair Lord Maxwell [for payment of a debt due by the defender's man].

My Lord Maxwell being decernit be decreit of the Secret Counsall to pay to Gawin Home, brother to Polwart, the sowme of tuell hundreth merkis or thairby for not entrie of ane man wha wes decernit to pay that sowme to Gawin, whilk man wes previn to be my Lord Maxwellis man, and my Lord being chairgit with horning upon the decreit and denuncit, and command socht to the Gairde to tak him, he, compeirand in jugement, offered to pay the principall sowme, extending to foure hundreth punds. Whilk the Lords fand sufficient, and assoilyiet him from all the rest, notwithstanding the decreit, horning, and all that followit thairupon,—whairupon the pairtie heavelie compleanit, as contrare to his decreit and justice. Haddington MS. Excerpts. Fol. 349, a.

18th February.

Sederunt—Commissioner; Chancellor; Ergyll; Mairshaell; Cassillis; Uchiltrie; President; Lowdoun; Spynie; Scone; Dunkeld; Haliruidhous; Master of Elphinstoun; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; M°Kanyee; Bruntiland; Fostersait; Sir Johnne Arnott. Sederunts. Fol. 45, a.

[Alexander Home.]

Alexander Home, servant to Sir Johne Scharpe, and others, conveined for invading ane of the watchmen of the toun of Edinburgh under night. Skene Abridgment.

[To denounce Lord Maxwell.]

John, Lord Maxwell, ordained to be denuncit for not exhibiting Robert Greir of Kirkbryde, his man, tennent, servant, and depender, quho had woundit Thomas Smith in Kelliestoun, and Bessie, his daughter; of quhich wounds they both died shortlie thairafter.

20th February.

Sederunt—Commissioner; Chancellor; Angus; Mairshaell; Flemyng; Neubottle; President; Scone; Lowdoun; Master of Elphingstoun; Haliruidhous; Quhittinghame; Privy Seal; Justice Clerk; Advocate; Collector; M°Kanyee; Murdocairny; Kilsyith; Fostersait; Sir Johnne Arnot. Sederunts. Fol. 45, a.

Mr Henrie Urquhard contrar Robert Maxwell [case of art and part in an assault].

Mr Henrie Urquhard being hurt be Robert Maxwell in Edinburgh, the Counsall sittand, and Robert Maxwell and Eduard Creichton being tane and put in the towbuith for it, efter the nyne dayes expyred, Eduard Creichton desyrit to be put to libertie, becaus the pairtie had bot ane straik with ane whinger, whilk wes knawn not to be gevin be this Creich- Haddington MS. Excerpts. Fol. 349, a.

Parliament as far back as the time of the Arran Dictatorship.—Calderwood, who gives a copy of this Proclamation, somewhat more fully worded than the present copy (vi. 397–401), has a curious story of what happened when it was read out at the cross of Edinburgh on the 15th of February. "The proclaimer of this, before he came to the middle thereof, settled down spiritlesse, so that they behoved to enter another in his roome,—the people marking it and crying out with detestatioun."

Haddington MS. Excerpts.

ton. It wes alledgit be Urquharts freinds that thay offerit thame to preive that Eduard Creichton wes present whan Urquhart wes hurt, and assistit the straike. The Lords fand the alledgence relevant, and assignit Tysday nixt for probation thairof, and in the meantyme put Creichton to libertie upon caution of fyve thousand punds for his re-entrie that day. Robert Maxwell socht libertie at that same tyme, offerand caution also; whilk the Lordis refusit to ressave, albeit the nyne dayes wer bypast, becaus the chirurgeon declairit he could not tak upon his conscience that the hurt man wes past perrell whill the fyftene dayes wer past.

Sederunts. Fol. 45, a.

Sederunt—Commissioner; Chancellor; Mairshaell; St Androis; Dunkeld; Uchiltrie; Halirudhous; Master of Elphinstoun; Privy Seal; Justice Clerk; Collector; Clerk of Register; Murdocarny; Brintiland; M°Kanyee; Fostersait; Sir Johnne Arnott. 25th February.

[No record of proceedings.]

Sederunt—Commissioner; Chancellor; Angus; Mairshall; Uchiltrie; Neubottle; President; Spynie; Master of Elphinstoun; Ros; Dunkeld; Haliruidhous; Blantyr; Privy Seal; Justice Clerk; Edzell; Murdocairny; Brintiland; Advocate; Collector; Clerk of Register; Sir Johnne Arnott. 27th February.

Skene Abridgment.

Thair haveing bein ane undue election made in Montrose of the magistrats thairof by factious persons, the Councill recomends to John, Earle of Marr, provost of the said toun, to goe thair and informe anent the said election, and, if he find it not lawfull, to discharge the same, appoynt others in thair places, and punish these that were na lawfullie choysen. [Disputed election in Montrose.]

"Forsamekill as the variance and controversie quhilk wes standing betuixt Sir David Lindsay of Edzell, knycht, David Lindsay, his son and appeirand air, Mr Alexander Lindsay, alswa his son, [John] Strauchane, called tutor of Thorntoun, and uthers thair complices quha were present with the said Mr Alexander at the conflict underwritten, on the ane pairt, and betuixt Sir John Wischart of Pittarro, knycht, John Wishart, his son and appeirand heir, Alexander Gordon of Cluny, William Murray of Cowbairdie, John Erskine of Pittodrie, Johne Douglas of Tulliquhillie, and certane uthers thair complices, quha were present with the said Laird of Pittarro at the same conflict, on the uther pairt, is now removed and tane away, and be perfyte freindship and reconciliatione knit up betuixt the saids pairties,—lyke as thai have choppit hands togidder and stands now under verie guid termes of freindshipe: Thairfoir the Lords of Secret Councill hes dischargit, and be the tenor heirof discharges, all bands, acts of cautione, and suirties quhilks were tane be direction of the Councill betuixt the saids pairties, thair kin and freinds, upon occasion of the combat and conflict quhilk happenit and fell out betuixt the saids principall pairties upon the hie streit of the burgh of Edinburgh, upon the 17 day of Edzell and Pitarro agreit.

June last, outher for the observation of his Majesties peace, the suirtie and indempnity of aither pairty, or for entrie in wairds or keiping of wairds; and ordains all the saids bands, acts, &c. to have na effect nor execution heirafter." [See *ante*, pp. 60–61, 101, 110, 112, 117, 133, 140, 143–145.] Skene Abridgment.

[The Lairds of Edmonston and Dalhousy reconciled.]

"Forsamekill as it is understand to the Lords of Secret Councill that the variance and controversie quhilk stude betuixt Sir Andro Edmestoun of that Ilk and John Elphingstoun of the Shank, on the ane pairt, and Ramsay of Dalhoussie, on the uther pairt, is now removed and tane away, and a perfyte freindship knit up betuixt the saids pairties: in consideration quhairof the Lords of Secret Councill hes dischargit, and be the tennor heirof discharges, the acts of caution found be thaim *hinc inde*, and insert in the Buiks of Secret Councill, for the observation of his Majesties peace, and for the indempnitie ilk ane of others; and ordanis the saids acts to haif na strenth, force, effect, nor execution heirafter."

[Mr Robert Bruce's stipend.]

Mr Robert Bruce, minister, gets a caption against severall persons for payment of severall soumes assigned to him be his Majestie as a pairt of his stipend furth of the abbacie of Cowpar the years 1597, 1598, 1599, 1600, 1601, 1602, 1603, and 1604.

[To denounce James Loraine.]

James, son of Edward Lorrayne of Harwood, ordained to be denuncit for resisting a messenger that came to apprehend William Trumble of Braidhauch, declaired fugitive for thift, slaughter, &c.; quhich James wes persewed for the saids crymes by Thomas Turnbull, younger of Wachope, and Turnbull of Barnhills.

[Decree in favour of Foulis of Colinton.]

Andrew Cuninghame in Cramond and Andrew Pattoun in Leith having slain David Purdie in Bonalie, and being tane with reid hand and delyverit to James Foulis, elder of Colington, Purdies freinds pursews Colington for exhibition. At calling of this action, Sir James Foulis, knycht, son of the said James, produces ane instrument, under ane nottars hand, bearing his father to have delyverit the saids malefactors to Hary Stewart of Craigyhall, scheriff principal of Edinburgh; quhairupon his father is assoilzied.

[Decree against MacIntosh of Dunachton.]

Alexander Brabner in Delny and a great many others, dependers on John Campbell of Calder, Lauchlane M°Intosh of Dunachtoun, and Ros of Kilraock, having killed Thomas Gordon, burges of Elgine, M°Intosh is obleist to produce Brebner, &c., his tennents, under pain of rebellion.

[Katherine MacCulloch against her husband, Farquhar Monro, for cruelty].

"Anent our Soveraine Lords letters raised at the instance of Katharine M°Culloch, portioner of Kindeiss, makand mention that quhair, she being heretrix of the saids lands of Kindeis, and having joyned herselfe in mariage with Ferquhair Monro, her spous, of quhom the compleiner expected that dutyfull useage and behaviour towards her quhilk becometh ane godlie and honest husband to carie to his wyfe, nevertheles he hes maist unkyndlie, unnaturallie, and unhonestlie behavit himselfe to the said compleiner thir diverse years bygane, because she will not renunce and gif over to him her heritable rycht of the saids lands, to be used, sauld, and disponed upon be him as he sall think expedient, and, after he had a lang tyme delt and travelit with the said compleiner to have infeft him in

Skene Abridgment.

her saids lands, then resolved be plaine tyrrannie and by violent and extraordinar doings to come to his intent. And, for this effect, he, upon the day of Januar 1604 years, maist schamfullie and barbarouslie tirrit the said compleiner of her haill cloathing, not leaving sameikle upon her as the sark, and with a brydle he leisheit and strake the said compleiner over all the pairts of her body, to the effusion of her bluide in grite quantitie; and, she having fred herselfe and being rynnand to the minister of Tayne, quha is his ordinar pastour, to have complanit, he followit the said compleiner, and, having overtaine her, he band her hands and feit and harlit hir bak againe to his house, quhair of new he strake and dang her with his brydle mair despytfullie nor he had done befoir, swa that sche lay bedfast in grite disease and dollor ane lang space thairafter. And, in end, seing that for all his cruelty he could not prevaile, he then resolvit to take her lyfe, thinking, after the said compleiners decease, be the courtesie of the cuntrey to have bruikit his lyfrent of the saids lands; and, for this effect, he hes had sundry vyld and deteastable practizes in hand to have bereft the said compleiner of her lyf. And, namelie, upon the day of 16 years, she being in her awn hous under silence of night, he pressed to have worryed her, pat violent hands in her, graiped her be the throte, and had almaist confoundit her, were not, be the providence of God, he was stayed be some of thair servants quha happynit to come in for the tyme. And, shortly thairafter, he with hands and feit sua punchet and birsit her that she wes in grit hazard of her lyfe. And, greater, upon the day of I m vi c and years, he and sche being in thair beds about midnight, and she being asleip, and he thinking the tyme then meit to execute his horrible and barbarous murther, he tuike the said compleiner be the throat and thought to have wirryed her or she had awaked; quhilk he had not faillit to have done were not it pleased God to furnish her with strenth to rid herselfe of him."—The Councill considering they were not disposed to live in conjugall amitie and societie, but rather to separate thaimselves for a tyme quhill it sould please God to unite thaim in hearts, and seing during thair not adhearance it wes reason she sould have some provision, thairfoir thai decerne him to pay to her 26 bolls chealit bear yeirlie, at 2 termes in the yeir, during thair not adherence, and to delyver to her the abulyiements of her bodie, viz., ane skarlet velicoat, a black ryding skirt, and a silver belt, with a furnisht bed."

Haddington MS. Excerpts. Fol. 349, a.

David Flescheour in Dundie persewit the young Constable that he, bearing grudge at him, had come af the hie streit of Dundie to the syde of the gait whair the said David wes conferrand with Mr Andro Lamb, and had tane af his hat, cassin it to the erd under his feit, and boistit to naill it to his head with ane whinger; and sensyne of new agane had met him upon the calsay of Dundie and had reivin af his hat af his head, and callit him knave. The Constable confessand allmaist all that wes libellit for the last poynt, and the pairties being removit, the Erle of Angus thocht that all cairlis and inferiour men aucht honour to noblemen, and

David Flescheour contrar Constable of Dundie, younger: Ane gentilman's forceing of ane burges to do him courtessie not fund wourthie of any puneisment.

aucht to be compellit gif they will not do it wilfullie, and thocht that the nobilitie wer far aneuch suppressit utherwayes, albeit thay sufferit nocht thameselfis to be misknawin be fellows and cairlis. My Lord Merschell thocht that cairlis aucht to do courtessie to gentilmen, and sould be compellit to do it; and my Lord Uchiltrie wes of the same opinion. My Lord of Halyruidhous thocht in this caise that this miskenning knaive, being tolerated to cum to Dundie, sould have acknawledgit the Provestis sone, and sould not be fostered in his pryde. The Clerk of Register thocht that, he being misnortourit and not knawing his dewtie, it wes na fault to the Constable to teache him *quos decet in mensa*. The Pryour of Blantyre and dyvers uthers thocht the Constable sould be admoneissit not to do it agane. My Lordis Chancelar and President thocht it ane insolence and contempt wourthie of censure; and my Lord Chancelar thocht that the Constable sould be put in the castell; bot be the maist pairt of the votes he wes assolyiet, and David Flescheour blamit for his unsauvitie and the Constable for his forceing him. Haddington MS. Excerpts. Fol. 349, b.

Seditious ministers to be pulled furth of the pulpit [complaint of the Synod of Lothian thereanent].

The Commissionars of the Sinode of Louthian came before the Counsall and compleaned that thair wes ane proclamation set furth aganis the ministers, calling thame liears, detractars of the King, railars, idill spendars of tyme, pervertars of his Majesties gude subjectis, and commanding all men to interrupt thame, pull thame out of the pulpet, and bring thame to the Counsall, who sould heir thame speik aganis the King, his laws, proceidings, or Counsall [*ante*, p. 179]. Efter thay wer haird in thair protestation, the Lords directed the Bischopps of Ros and Dunkeld to reason with thame and schaw thame the Actis whairupon the proclamation wes foundit, and, seing that thay wer not altogidder satisfeit, commanded thame to give in thair protestation in writ and thay sould ressave thair answer. Thairefter, upon the 6 of Marche, thay compeired and gave in thair greiffis in writ. For answer whairof the Lords schew to thame the Act of Parlement in anno 1584 anent the authours of sclanderous speaches, the first Act of the Parlement 1585, and ane Act of Parlement in anno 1594, ratifeand the said Actis and uthers, and als ane of the Convention in anno 1596,—whilkis wer warrands of the proclamation,—and willed thame to acquiesce to the law; promeising favour and menteanance to all dewtifull and obedient ministers to his Majesties authoritie and laws. The Bischop of Dunkeld said that the Clerk of Register alledgit that the payne conteanit in the Actes of Parlement aganis leasingmakars could not stryke aganis the ministers, becaus these Actis wer maid in tyme of papistrie; whilk appeirs to be far by reason and purpose.[1]

6th March.

[1] By the King's direction there was a simultaneous meeting of all the Provincial Synods of the Kirk in February 1606, in order that he might have answers to five articles tendered to them relating to his ecclesiastical powers and the powers of Bishops and General Assemblies. Some of the Synods rejected the articles; others, among which was the Synod of Lothian, referred the duty of answering to a General Assembly (see Calderwood VI., 391–396). This Synod, however, it seems, also resented the recent proclamation against pulpit comment on matters of state (*ante*, pp. 179–181), and made

Sederunts. Fol. 45, a.

Sederunt—Commissioner; Chancellor; Angus; Cassillis; Neubottle; President; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Bruntisland; Clerk of Register; Sir Johnne Arnott. 4th March

Skene Abridgment.

There being a combate undertaken betuixt John, Lord Maxwell, and William Douglas, son and appeirand air to the Laird of Drumlangrig, they are ordained to compeir befoir the Councill, under pain of rebellioun; and all persons are dischargit to cary cartalls betuixt thaim, under the pain of treason. [Order for stopping a a combat appointed between Lord Maxwell and William Douglas.]

Sederunts. Fol. 45, a.

Sederunt—Commissioner; Chancellor; Erroll; Cassilis; Elphinstoun; Uchiltrie; Neubottle; President; Master of Elphinstoun; Dunkeld; Halirudhous; Edzell; Advocate; Collector; Clerk of Register; Quhittinghame; Fostersait; Sir Johnne Arnott. Edinburgh, 6th March.

Skene Abridgment.

"Forsamekill as it is understand to the Lords of Secret Councill that thair is some variance and controversie as yit standing betuixt Patrick Maxwell of Newark, Cunningham of Glengarnok, Schaw of Greinok, Craufurd of Kilbirny, Hepburne of Riccardtoun, Robert Leckie, elder of, &c., Robert Leckie of Kipdarroch, his son, John and James Leckies, his sones also, Murdoch Leckie of Croy, Walter Leckie of Boquhaine, William Leckie, son to umquhill Robert Leckie at the Kirk of Kippen, Walter Leckie of the Mye, James Leckie at the Burne of Boquhane, brother to umquhill the auld Laird of Leckie, Alexander Leckie in Drumkippen, Adam Cunninghame, son to the Laird of Auchinhervie, William Porterfeild of that Ilk, and Alexander Porterfeild, his son, thair kinn and freinds, on the ane pairt, and Sir James Maxwell of Calderwood, knycht, Lindsay of Dunnrod, James Hamilton of Stanehous, William Maxwell of Newlands, John Maxwell of Jaktoun, James Maxwell thair, James Wauchope thair, James Maxwell of Hilhead of Over Kirktoun, and Adam Bruce in Skellitoun, thair kinn and freinds, on the uther pairt, quhairthrow furder inconvenients are lyke to fall out, to the break of his Majesties peace and disquiet of the cuntrey, without remeid be provydit: thairfoir ordains letters to be direct charging baith the saids pairties to subscryve and delyver ayther of thaim to others sic forme of assurance as salbe presentit unto thaim, markit be the Clerk of Councill, to indure unto the 1st day of March nixt 1607 years, within 12 hours nixt after the charge, under the pain of rebellion, &c., and gif thai failyie to denunce, &c." Charge for assurances between [the Lairds of] Calderwood and Newark.

Haddington MS. Excerpts.

George Crambie in Sanct Johnestoun persewed Johne Malice and sum uthers for oppression done to him be thame: whilk being admitted to probation, he failyed. And certane of the honest men of Sanct Johne- Crambie contrar Malice [in the matter of persons cited as witnesses].

it the subject of a complaint to the Council.—Note the last words of the abstract in the *Haddington MS. Excerpts* of what passed in Council when they considered the complaint. In these words the Lord Advocate (*i.e.*, Sir Thomas Hamilton, afterwards Earl of Haddington) conveys his own opinion of what some of his colleagues said on the occasion. The little intrusion of personal feeling is interesting. Had Hamilton himself drafted the proclamation?

stoun, wha wer summond be Crambie as witnessis, compleaned that, he knawand that thay knew nathing of the mater, he had maliciouslie put thame to troubill and expensis causles, and had summond dyvers honest men, thair nichtboures, of whome he had tane composition to suffer thame to remayne at hame. In respect whairof, the Lords having ordanit the witnessis to be examinat upon that poynt *ex officio*, and they having provin the said wrang and oppression of the lieges, the Lords ordanit Crambie to be put in the towbuith, thair to remayne whill he had payed ten merk to ilk ane of the witnessis compeirand, and ane fynne to the Thesaurar for the oppression of the rest. Haddington MS. Excerpts.

Johnstone contrar Sir William Maxwell.

William Maxwell of Gribton being chairged be Robert Johneston of Newbie to exhibit certane rebellis as he wes decernit be the Counsall, he suspended, and wairnit the Thesaurar and Advocat. The suspension being callit, William Maxwell alledgit that Eduard Johneston could have na proces, becaus the chairges wer not raised and execute in his name, bot in Robertis name, who wes deid, and that the Advocat could not insist without ane informer. The Advocat ansuerit that, albeit the parties wer agriet, he micht insist for the Kings interes, and gif the rebellis wer enterit he micht persew thame criminallie without the pairtie, and gif thay be not entered he may insist aganis this defendar for the payne, whilk hailelie perteanis to the King and his Thesaurar.—The Lords fand that Eduard Johneston had na interes, and fand the letters ordourlie proceidit at the Advocattis instance for payment to the Thesaurar of twa thousand merks, conforme to the decreit forsaid. Fol. 350, b.

[Laird of Johnstone against Lord Herries for resetting rebels whom he had been charged to enter: Absolvitor.]

The Laird of Johneston persewed my Lord Hereis for exhibiting of twa Jairdanes, rebellis, being his men, and whom he had resettet in his house sen thair rebellion, and sen he wes chairged to enter thame. The summonds being referrit to my Lord Hereis aith of veritie, he granted the resset of the ane; and, as to the uther, called Thomas Jardane, he denyed that ever he wes in his howse sen the chairge be his allowance, bot granted that he saw him anis in his house sen the chairge, and that he remanit not ane hour in it, and that he spak not with him at that tyme. It wes alledgit be the Laird of Johneston that the being of the said Thomas in his house of his knawledge, as he had confessit, wes sufficient. Nevertheles, the Lords assolyiet my Lord Hereis fra the exhibition and entring of the said Thomas.—I wes not permitted to reasoun nor vote in the mater; whairin I thocht that, my Lord being chairgit of before to enter this rebell and seing him thairefter in his house, whair he wes of power to have tane him, he sould have bene compelled to enter him, becaus in effect he had contemnit the chairge. Bot my Lord President thocht it ane ouer rigorous strait to nobill men to be forcit to enter rebellis whom thay saw in thair house efter thay were chairgit for thame, gif thay came by [without] thair knauledge and allowance, and remaynit for schort whyle without intercommuning.[1]

[1] In this entry we have another example of the occasional intrusion by Lord Advocate Hamilton ("Tam o' the Cowgate") of some personal feeling or opinion, or some reference

Haddington MS. Excerpts.

Robert Hepburne, lieutennant of the Gairde, persewed Alexander Scot at the West Port for violent preissing to deforce him in execution of his office, and of the decreit or warraud of the Secret Counsall commanding him tak the said Alexander, being rebell, who and his sones with drawn swords persewed the said Captain and his cumpanye, and hurt Fergie Murray, ane of the cumpanye. The said Alexander alledgit that all that he did wes in his awin defense. The Lords repellit his alledgence, and fand that he could not mak any lawfull defense aganis the Captein puttand the decreit of Counsall to execution; and thairfore thay ordanit him to enter in wairde in the towbuith whill he payed ane fynne to the Thesaurar and satisfeit the Gairde. [Anent resisting the Guard in the execution of their office.]

Fol. 351, a.

Young Caschogill obteaued ane warrand to tak and examine ane man as suspect of burning of certane cornis and housis upon suspicion, without citation. The lyke wes granted to the Laird of Calderwode aganis Geordie Twedie, upon suspicion of the hoching of James Maxuellis horsis and interpryse of burning his housis and cornis. [Commission to apprehend persons suspected of fire-raising and houghing.]

Skene Abridgment.

Sederunt—Commissioner; Chancellor; Erroll; Orknay; Elphingstoun; Uchiltrie; Newbottle; Secretary; Bischop of Dunkeld; Privy Seal; Justice Clerk; Master of Elphingstoun; Sir Thomas Hamilton; Collector; Clerk of Register.[1] 7th March.

"As his Majesties fatherly caire hath ever bein so grite towards his people and loving subjects as he hath not only bein cairfull to governe thaim by just and equitable lawis, bot lykewyse hath ever had a speciall respect to the trew and rycht information of thair mynds as twitching all his publict actions and proceidings, so for this purpose [he] hath ever from tyme to tyme by publict declaratione and proclamatione interpreted and explaned to all his loving subjects his trew intention and sinceritie of his meaning, that thairby, his subjects knawledge of his will and of the grounds moving thaim thairunto being joyned to thair dewtifull and naturall inclinatione of obedience, a reverent love, togidder with a feir to offend, mycht be A Declaration of the Just Causes of his Majesties proceiding against those ministers who are now lying in prison attainted of high treason.[2]

to himself, in the abstracts of the minutes of Council which he made, or directed to be made, for his own use (see *ante*, p. 105, footnote, and p. 186 and footnote).

[1] Also recorded in the *Book of Sederunts* (fol. 45, b), but with "President" for "Secretary." Lord Balmerino was both (see *ante*, p. 23, footnote).

[2] Here, at length, we have that "Short Declarator" which his Majesty had instructed Secretary Balmerino to write and publish in the name of the Council in order to set forth the grounds of the proceedings against the warded ministers, and, if possible, allay the public excitement on that subject. See *ante*, p. 165, footnote, and also the King's letter of date 22nd January 1606 among *Royal and Other Letters*. In the reply of the Council to that letter, written on one of the last days of the same month (see it also among the *Royal and Other Letters*), they had said, with reference to the treatise thus ordered:—"It salbe drawne up with suche speede as your Majesteis Secretarie can, considering the throng of the sessioun efter sa lang vacancie, and sent to your Majestie to be reformed.' Here, accordingly, is the document as it was ready for the press in Edinburgh on the 7th of March, doubtless after it had come back with his Majesty's revision and approval. But, if Calderwood's information is correct (vi. 419), it had been drafted not by Secretary Balmerino after all, but by Lord Advocate Hamilton.

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continuallie incressed and nurished in thair hearts, thair obedience not proceiding of a naked fear, bot from a fear mixed and strenthened with love for guide reassouns, and fundit upon a guid conscience and thair knawledge of the trewth. Skene Abridgment.

And, as this his Majesties fatherly caire hath ever since his majoritie of yeares most cleirly appeared in all the points of his Hienes governament in this his kingdom of Scotland, so now, upon that laite occassion of the rebellious and traiterous misbehaviour of some particular ministers within this kingdom, his Majestie, continuing his former loving custome towards his subjects, hath thought convenient to sett out this present Declaratione, for satisfaction of his Hienes subjects of all ranks concerning his Majesti s course and proceidings in this caice.

And, because he haith just reason to conceave that, gif ony, of quhatsun - ever estaite or degrie, of his Majesties subjects be so undewtifull as to have ony scruple of the justice and necessitie of his Hienes proceidings heirin, it doth only proceid of ignorance or mistaking the trewth of his Hienes actions, his Majestie is thairfoir moved to think that thair can be no so guid and suire way for trew information of all his subjects as to set doun unto thaim the trew state of the question, togidder with all that hes followit and resin thairupon; the mistaking quhairof (his Majestie doth assure himselfe) is the only caus from quhence all scruples in some mens hearts (if any be) doe spring and proceid.

His Majestie, for the 3 or 4 last years togider befoir his depairture out of this kingdome, being carryed with a most ardent zeale and earnest affectioun to the advancement of Gods glory and establishing of the religion presentlie profest, never spared to undergo in his awn persone almost intollerable pains and fasherie for preventing of all disorders and corruptions quhich crept into the Kirk, and for setting doun and establishing such a solide and comelie forme of governament as mycht be able to preserve the puritie of our profession, and procure the establishing of a solid peace and quietnes in the Kirk. And for that caus he wes ever present at all the frequent meittings and Assemblies of the ministerie in this kingdom; and, gif his Majesties affairs and uthers incident occassions had bein sic as he could not be able to keip the appointit place and dyet to the quhilk he had callit the Assemblie, his Hienes did ever very cairfully prorogat and continue it to sic uther tyme and place as his leisure mycht permitt him to be present at the said meitting. And, as his Majestie by those his travells had alreaddy put this our Kirk in a guid beginning and fordwardnes of a guid order and frame, so he nowayes doubteth bot, if he had made ony langer stay amang us, he wald with Gods assistance have brought it by this tyme to a reasonable and expected perfection.

Bot sic is the malicious envy of the evill-disposed sort, grudging at the progres of ony guid matter, that, some of these ministers, quha ever had bein hinderers and crossers of that guid work alse far as thai durst even in his Majesties awn presence, conceiting with thaimselfis that, now in his Majesties absence from this cuntrey (with quhom they supposed

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all memorie and regaird baith of Kirk and Commonweill had bein altogidder forgotten and neglected), and that, by reason of assignment of a day in the moneth of July last bypast for keiping of ane Assembly (betuixt the appointment whairof and the tyme itselfe intervenit that most happy and necessar cause of his Hienes going to England) they thocht a very fitt occassion wes offered to thaim for prosecution of thair intentions. And thairfoir [*sic*] thai endeavoured, to the uttermost of thair power, to reverse and overthrow all these guid orders and godly constitutions formerly concludit for keiping of guid order in thair Kirk, and particularlie by secret suggestioun of fals calumnies to the simple and ignorant, and by plotting and combination with those of more turbulent spirits,—whoe, knawing that thair awn inhabilitie wald impead thaim to be ony way preferred, made choise, with the camell, to drink in muddie water, and, by perturbing of matters, rather to overthrow all guid order than that by setling of the Kirk governament the vertews of others, and thair vyces and imperfections, sould be cleirly discovered and distinguished. Thairfoir, to assuire thaimselfis the better of the compassing of this thair designe, thai spared na tyme nor left na meanes unassayed to preoccupy mens opinions, to anticipat thar voits, and to make up a strong faction against the meitting of that Assemblie, thairby fully intending to bring the estait of this Kirk to a maist evident confusion and disorder.

Upon some notice of the which mischeivous plottis and machinations, his Majestie considering that his absence from that future meitting of Assemblie, and the neir approaching of the tyme appoyntit for keiping thairof, were embraced by those turbulent spirits as fit opportunities and guid occassions offered unto thaim so to overrule that matter, by thus prepaireing and packing up of votes befoir hand, that, howsoever the better sort sould oppose thaimselfis thairunto, yit thai sould be suire to make the estaite of the Kirk without any rule at all, thairfoir his most excellent Majestie, continueing in that fatherlie caire quhich he ever caryed to this Kirk and realme, by his Hienes letter, signed with his awn hand, direct to the Commissioners of the Generall Assembly, signifyed unto thaim his speciall will and pleasure that that meitting and Assemblie, appointed to have bein the 2d day of Jully now last bypast, sould be deserted, and that no new indiction sould be made ayther of day or place without his Majesties consent. And thairafter he desyred that some of the bishops, and also some of the best, wysest, and most religious of the ministerie, sould repair towards his Majestie with all convenient speid, that his Hienes with thair advyce mycht not only resolve upon all such grounds as were fittest and maist expedient for the setling of the peace of the Kirk, bot mycht also appoint some fit and convenient day and place for halding of ane new Assembly. Upon the recept of the quhich letter the saids Commissioners of the Assemblie, by thair missives direct unto all the presbiteries of the kingdome, certified thaim of his Majesties pleasure and will concerning the deserting of that meitting, willing them that they sould not in any caise send thair commissioners to keep that day formerlie appointed and now by his Majesties

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warrand deserted, but that thai sould expect the appointing of ane new day and place for keiping of ane Assemblie. Bot so farr were some of the ministers from making of ony accompt of his Majesties directions (a thing most deteastable in any subject, much more in any of the ministers, whose doctrine, lyfe, and haill actions aucht to be lanterns to uthers of all dewtifull obedience to thair Prince) as, by the contrarie, in plane contempt thairof, most seditiouslie thai conveined at Aberdein, and,—being guiltie to thaimselfis of thair awn inhabilitie, unworthines, and small gifts, conjoined with a bad inclination,—thai, being in dispair that in doing guide thai sould ever become memorable, and overruled with a burning desyre of vaine glory, resolved by overthrawing the governament of this Kirk and by induceing all disorder thairinto to make thaimselfis (at leist for thair evill) famous, with that sometyme burner of the temple of Ephesus. And, howsoever the adverteisment of his Majesties pleasure and will for the deserting the said Assembly sent by the Commissioners wes dutifullie receaved and willinglie obeyed by the haill presbyteries almaist of this kingdome, yit some few ministeris,—not exceiding the number of 18 or 19 persons at maist, overrulling the rest of thair poor bretheren of thair 8 or 9 severall presbyteries, over quhom, by reason of thair said bretherens simplicitie and thair awn craftines, they had got in tyme past very much advantage, and had thaim in a maner tyed to thair girdles to consent to any thing quhatsumever,—so brocht it to pass as by thair procurement the declaration of his Majesties pleasure was contempned, and thai thaimselfis chosen commissioners to that meitting quhich by his Hienes commandement wes deserted. And, we of his Majesties Councill fearing that the presumption of thes few,—howsoever, in words professing, yit in thair deids directlie impunging his Majesties authoritie royall, under a culloured pretext of thair zeale to religion, quhich, allace! is now most deteastablee abused as ane ordinar cover and excuse for every treasoun and treaspass,—thus conveineing, without regaird to his Majesties comandement made in the contrary, mycht be a dangerous preparatione to the haill estate, considering that these quho sould be the teachers of others were now become the onely violators of thair obedience to thair most gracious and religious Soverane, therfor we directit Sir Alexander Straitoun of Lawriesstoun, knycht, to the said burgh of Aberdein, with speciall warrand and comandement to prohibite and discharge that few number of ministers from conveining at all; and also by a speciall missive written unto thaim wes signified his Majesties pleasure concerning the deserteing of that dyet. Notwithstanding the publication of the quhilk charge at the mercate croce of Aberdein the day befoir thair meitting, they being all in toun, and of the delyverie of our letter the nixt day thairefter, they being all conveined, [they] were so farr from carryeing ony respect to the charge, quhich wes directed and executed in his Majesties name, or to the missive sent from us, or to the bearer, being his Majesties Commissioner in sic affairs, as, the first being contempned directlie, the letter wes superficiallie ansuered, and the bearer (quhais presence at all thir doings wes ordinarlie most

Skene Abridgment.

Skene Abridgment.

necessarie) wes nevertheles at this tyme excludit furth of the doores all the tyme of thair keiping of thair Assemblie till the end thairof.

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A particular relation of all quhich circumstances being faithfulie maide to his Majestie, his Hienes tuik occassion with his awn hand to pen a Declaratione quhairby not only all pretext of excuse and defence quhich may be pretendit by these ministers is cleirlie refuted, bot also thair proud contempt and disobedience is made so manifest as we doe fullie assuire ourselfis no scrouple of doubt will remaine with any quho is not perverslie pre-occupyed to distrust all veritie. The Declaration we have presumed to insert in this place as come from his Majestie himselfe, and is this :—

'Becaus this unreulie handfull of ministers that made the fashion of keiping this pretendit Assemblie, togidder with thair associats and allowers, do so much brag of the equitie of thair cause, and wilfullie manteyne that the ground of thair proceidings wes maist just and necessar, and gif ony error wes thairin it wes onlie in forme,—quhich proceidit out of necessitie, in respect of the unlawfull restraint of thair libertie, as thai alleadgit,—we have heirfoir thoucht guid to set doun most succinctlie and shortlie the true anatomy of thair actions and the cleir staite of thair cause, to the intent that, power being joyned to reasoun (as hes ever bein our constant forme of proceiding in all our governament), thair wickednes being cleirlie discovered, the due punishment to be inflicted upon thaim may the better appear in thair awne cullors, alsweill as thair transgression. And thairfoir, quhairas thai brag of warrand of conscience, warrand of law, the due observation of thair awn customes and liberties, and the respect of the weill of the Kirk, as the true motives of this thair unrewlie and seditious contempt, the contrair of all these salbe made cleirlie to appeir.

'And, first, for warrand of conscience for thair Generall Assemblie, (quhilk thai terme the Counsall of God) :—In the haill Auld Testament they will not clame to ony warrand of ane Generall Assemblie; and in the haill New Testament thai can alledge no warrand for Generall Assemblies bot that convention of the Apostles at Jerusalem mentioned in the Acts of the Apostles; which indeed wes ane Universall Counsall of the haill Church, and nawayse lyke unto ane particular Scottis Generall Assemblie. And therefore they must leave the Scripture, and have recourse to the example of the Primitive Church for warrand of particular Nationall Councills. To quhich warrand we are assured that thai will be ashamed to claime, in regaird mony cerimonyes, sic as vestments, croce, confirmation, rites and cermionies, wilbe found to be within the same Primitive Church, quhich thai do utterlie abhor. And, since the Emperours (how sone thai became Christians) had the only undoubtit authoritie in thair persons of conveining Generall Counsalls,—quhich never wes taken from thaim quhill the Pope ascendit to the heich of his abhominations,—how much les aucht that authoritie be denyed to ane Christian Monarch in the assembling of ane Nationall Counsall of his awn subjects, qua hes far gritter and justair dominion over his awn people than ony usurping

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Emperor could clame over the face of the haill earth. And, gif thai will alledge the purest writters of our days, professors of our religion,—that, be thair missive letters both to the Prince and Staite of the Church of Scotland, they have wished the halding of frequent Assemblies in that cuntrey (bot alwyse by the Kings permission) as ane meanes quhairby both doctrine and discipline mycht be manteyned without disturbance, and much guid thairby procured in the Church of God,—yit thes very arguments of thairs do declaire that they only perswade it by way of advyce as a thing verie convenient, and did not set it doun as ane rule of necessitie and ane infallible law. Skene Abridgment.

'Nixt, as to the warrand of our law in that kingdom:—It is first generallie to be observed that no priviledge that ony King gives in one particular body or state within the kingdom of convening and consulting amang thaimselfis is to be understude to be *privativè* given unto thaim, and so the King thairby depryving himselfe of his awn power and prerogative, bot only to be given *cumulativè* unto thaim (as the lawers calls it), without onywyse denuding the King of his awn power and authoritie. As, for ane instance quhich hes bein too frequent in all this Ile thes years past (saving the pleasure of God), every burgh royall have thair awn tymes of publict mercattis allowed unto thaim by the law and the Kings priviledge; bot, quhen the plague happened in any of these touns, did not we be proclamation discharge the halding of the mercate at that tyme for fear of infectioun, and yit thairby did noe prejudice to thair priveleges, nather did ony of thaim ineptlie murmure, much les enter in that high contempt as to say thai wald obey the Kings laws in keiping of thair priveledges, and not the particular restraint thairof at that tyme for necessar causses? And, as to the nature of thair particular priviledge in holding of Assemblies, they have in this thair last pretendit Assemblie directlie broken the limitationes of that priviledge that is cleirlie set doun in the first Act of Parliament in the fourscore 12 year of God, quhich is the surest and cleirest warrand for thair Assemblie. For thair it is speciallie provydit that, as we gif thaim licence for halding of thair Assemblies once in the year or ofter as occasion shall require (quhich proves that all thair power only proceids from us), so most it not be conveined without our own presence, or than of our Commissioner, nor a day nor place set doun for ane nixt Assemblie bot by our or our said Commissioners appointment, except we be not pleased nayther to goe in our own persone, nayther to send any for assisting of the said Assemble. And how this limitation hes bein observit be thaim at this tyme let the warld judge, first in not only refuseand the suite of our Comissioner, bot most contemptuously and injuriouslie barring the door upon him, and nixt in seting doun the dyet of the nixt Assembly without ayther his privitie or consent.

'And, as to the 3d point of thair justifieing of thaimselfs by the warrand of the constitution and custome of thair Kirk, we wald knaw quhat warrand thai have for halding of ane new Assemblie without the presence ayther

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of the moderator of the last or of the ordinar clerk of the Assemblie,—the clerk speciallie at that instant being dwelling in the same toun quhair thai conveined. For the custome hes ever bein that the moderator sould call for all the commissioners name by name, sould sie thair commissions from thair presbyteries, sould gif thaim the lits for election of ane new moderator, and make thair names (the pairties being removed) frielie to be votted amangst thaim; bot first of all the moderator aucht to preach unto thaim, and out of the Word of God toutch thair dewtie at thair meitting. Bot, as this thair pretendit Assemblie wes keipit in contempt of our authoritie royall, so had it (praisit be God) noe begyning at the Word of God; without the quhilk order in thair proceiding we wald knaw quhat mycht lett alse many sundrie Generall Assemblies to be conveined at one tyme in diverse places of that cuntrey as thair are severall numbers of 19 ministers through the cuntrey, and soe thair sould be at one instant far mae Generall Assemblies in Scotland, ane against ane uther, than ever thair wes Popes att ony tyme in our adversarie Church. And, gif thai wald alledge that the straitnes of these evill dayis (quhairin thai live) compellit thaim to omitt diverse of thir ancient and lovable customes, that can not bot implye ane direct accusation of our tirranie; for quhich this ansuer may suffice,—that, besydes our knawin sinceritie in religion and constant love to do justice to all our people, they can never alledge that thai did so much as to send a petitione, aither to our selfe, or, in respect of our absence, to our Councill thair, for permissione of this Assemblie. For, quhairas thai alledge that this day wes continued to by Us and the Commissioners of the Kirk without affixing ane new dyet, we think the least thai could have done had bein humblie to haif craved the appointing of ane new dyet, and patientlie to have expected ayther our awn ansuer or our Counsalls thairupon, rather than be this thair outragious contempt have proclaimed and alleadgit our unjust persecution of thaim, or else (which is the truth) ther arrogant and seditious disobedience.

'And, lastly, how cairfullie thai respected the weill of the [Kirk in] this course, it is manifest to the warld, first by [needlesse irritating against them] ther ancient, lawfull, religious, and most just a King, quhairas thai mycht [have] come to thair own end by myld behaviour and dew obedience; and nixt by making ane separation betuixt all the rest of thair learned, wyse, grave, and dewtifull bretheren and thaim,—quho for thair pairts are in this caice, acccording to thair qualitie, als fer lichtlyed and disgraced by thaim as wee are disobeyed; and, 3dly, by bringing on ane publict scandall heirby upon thair profession, as rebellious to so religious and just a King, quhairby the adversaries of our religion (quho, lyke roring lyons, go about to watch sic opportunities) may fill thair new buiks and pamphlets with such scandalous memorialls against our religion. And, lastlie, quhat charitie thai have by this thair behaviour used towards thair Puritine bretheren in this cuntrey [England] they thaimselfis may easily guess, having by this thair contempt done nothing else bot animated and spurred us to the straitter animadversion and order-taking with thaim, least utherwyse, as thai are

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both favourers of one discipline, so thai may some day by thair example (gif thai had alse greit libertie) gif pruife of thair lyke disobedience and contempt to our authoritie.' Skene Abridgment.

Now, leaving it to every ane to observe both the patience [and pietie of a most puissant Prince]!—The patience, after sa grite a contempt comittit by so meane, base, and abject persons, quho were never any way remarkablie as men of grite gifts, bot were speciallie noted of too grite a desyre to be made famous, if by no uther meanes, yit at least by thair troubleing and overturning of matters! And, although his Majestie had most just cause of offence against some of thaim for the grite oversicht in former tyme, and that uthers of thaim had most undutifully in that same action made breach of some promisses made by thaim unrequyred to his Majestie himselfe very few moneths of befoir, yit so superabundant wes his lenitie and patience towards thaim that, after the comitting of the contempt, thai were not comitted presentlie, bot suffered to stay at home at thair awn housses; nayther were thai presentlie brocht to thair ansuer; bot his Majestie, most patientlie, in hope of thair repentance, wes pleased a long tyme to superceid the ordinar course of law against thaim. And heirwithall his Majesties pietie doth most cleirly shyne that, being even since his infancie a most gracious nurse-father of the religion professed, and protector of the professors, bot speciallie of the teachers of the same, and notwithstanding that the contempt comitted wes so heynous as by the ordinarie course of justice his Majestie mycht presentlie have bein avenged of these disdayners of his authoritie and royall commandements, yet so far wes his Majestie from any rigorous proceiding against thaim as, by the contrarie, to the intent to recall thaim backe quho were now so ferr astray out of the pathway of obedience (a most pitiefull, yea a most abhominable, thing in a minister), it pleased his sacred Majestie maist graciouslie of himselfe to set doun that former Declaration, that upon the view thairof these ministers mycht for thair offence confess thair guiltynes and crave pardon. Quhairin, howsoever some of thaim were ever all thair lyfe, and lykewyse at this tyme, so ramage that thai could not be recalled be ony luive, yet were sex or 7 of that number of 19 quhich first convenit so moved and tuiched with that open discoverie made by that Declarator of thair oversicht as, in all humilitie, befoir the Lords of his Majesties Counsall than present, protesting thair great sorrow for thair offence, excusing thaimselfis upon thair ignorance, and purgeing thameselfis of all wilfullnes in that action, thai besocht thair Lordschips to be mediators at his Majesties hands for a pardon to thaim; quha presentlie, upon thair humble submission (according as his Majestie had bein pleasit to signifie his will and mynd to his Councill), were dismissed and sent hame to thair housses to attend thair charge and ministrie over thair awn flocks. So farr wes his Majesties heart from intending of ony rigour against ony of that profession as, by the contrarie, by his Majesties present pardoning of thaim upon thair submission, it doth manifestlie appear that his Hienes

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wes farr more willing and ready to imbrace thair penitence with clemencie quhen thai could be capable to deserve the same, imitating heirin his grite King, the King of all Kings, quho never desyreth the death, bot the amendment, of the sinner. And yit it is most trew that these so dismissed upon thair humble submission and repentance were men of no les gifts, bot of farr gritter sinceritie, knawin guid lyffe and conversation, and nothing inferior to these others quhich remaines still obstinate, bot in unquietnes of spirite, hautynes of mynd, and desyre of breaking the peace of the Kirk.

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Bot, befoir any furder be touched of thair conventing befoir any judge, or that any relation be made how by thair pertinacie of manteyning the first fault (being a maist presumptuous ryot) they come nixt within the compas of no les offence than treason, it is not unmeit that the verie point of thair first cryme, for quhich thai were brought in question to ansuer befoir his Majesties Councill, were cleirly set doun, alse weill to refute these vaine subterfuges of excuses and pretexts thai make for thair obstinacie as to remove from the godly, religious, and weill disposed subjects all scrouple of ony such matter quhairof these ministers and thair favourites by lying rumours wald sowe the seids amangs the simple sort; quhom thai very weill knaw, and we often find to be, too credulous of every fals report. As thairfor the keiping of a Generall Assemblie wes not the matter in question, so it is of veritie that by this accusation against these disobedient ministers thair wes nothing laid to thair chairge concerning the lawfullnes or unlawfullnes of a Generall Assemblie, nor yit of the power nor limits thairof, bot that thai have unlawfullie made a prevy conventicle, not only directlie repugnant and against his Majestie and Councills charges and direction, bot even als weill against the continuall custome and practice of the Kirk as thair present consent; quhich wes weill witnessed by all the presbyteries abstaineing from directing of ony commissioners thither, saving that small number of presbyteries already recited quhairof thai were the commissioners. For they not onlie disobeyed his Majesties authoritie, quho had discharged that tyme and place of meitting, bot even the will and direction of thair awn Kirk; quhose disassenting to thair proceiding wes not only manifested by the Commissioners of the Generall Assemblys letter certifyeing all the presbyteries of the deserting of the said Assemblie, bot also the Kirk did by thair not sending of commissioners to that dyet clearlie demonstrate thair obedient acknawledgment and acquiescing to his Majesties will in that behalfe. Of quhois power and lawfull authoritie in appointing or continueing the tymes and places of meitting of Assemblies thai never doubtit, being so often practized (as is already rehearsit) in his Majesties awn persone, and declaired to be his prerogative by that same Act of Parliament by quhich thai are warranted to keip the said Assemblies. And, gif these ministers quho stand so obstinate in the defence of the Assembly (quhich thai most confess hath only warrand from that statute in the fourscoir 12 year) wald consider how farr the Prince may dispose of the

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meittings of the Parliament itselfe, as ayther to prolong, haisten, or desert the meitting thairof, and being conveined may refuise [? dismiss] thesame without doing anything at all thairin, quhat foollish prerogative and supereminencie is this (seing thai most neids acknawledge thaimselfis subalterne) quhich thai wald clame above the most supreame, heiche, and honourable meitting of the haill kingdome, except it be, as so many Popes in thair awn consait, thai wald exempt thaimselfis altogidder from all secular power? And so the particular caus quhairupone those ministers were convented befoir us wes nothing else bot that thai, most seditiouslie, contemptuouslie, and in plaine disdaine of his Majesties princelie commandements and authoritie royall, did convein thaimselfis in a privy conventicle,—quhich thai (wronging not only his Majestie bot the Kirk, as is already declaired) proudly, seditiouslie, and most falsly termed and mantein to be a Generall Assemblie,—notwithstanding of his Hienes will and pleasure, signifyed unto thaim and thair presbyteries by missives from the Commissioners of the Generall Assembly, that the meitting appointed at Aberdein sould desert, and notwithstanding of the prohibition by publict proclamatione at the mercate croce of Aberdein, and of our letter sent unto thaim by the said Sir Alexander Straitoun. And how unlawfull and undutifull thair pretendit excusses are, being grounded as thai alledge upon the feir quhich they conceaved of the supressing of thair Assemblies and overthraw of thair discipline by the deserting of that Assemblie once appointed, let the world judge; since not only his Majesties zeale and caire for the mantinance of religion is weill knawn to all men, bot even in speciall his grite love to thir people in not intending to lay upon thaim ony new formes or ceremonyes is weill manifested of laite by that proclamatione quhich his Majestie hath causit to be published for clearing of all such doubts out of his peoples hearts, the tennor quhairof followeth, &c. [Copy of the Proclamation of date 12th Sept. 1605, given *ante*, pp. 126–127]. Skene Abridgment.

After the publicatione and imprinting of quhich proclamation for indiction of ane new Assembly, it being still hoped by us that those ministers remaining in waird, upon the sicht of thair offences, with repentance for the same, sould humbly have besought his Majestie for pardon, yit did thair obstinacie still continue, justifying all thir proceidings as gif thai had comitted no crymes at all. Quhairupon, we of his Majesties Councill fearing the imputatione of undutifull and undiligent servants, gif by this procrastinatione (upon vain hoipes) of the tryall of thair offence we sould leave it under the hazard of every ones censure to be judged by the multitude according as thair particular consaits sould lead thaim, it wes thairfoire thocht meit to call thaim to thair ansuer befoir us for that thair most seditious, proud, and contemptuous disobedience to his Majesties comandement and prohibition. Being callit upon, and all present, and inquired quhat defence they wald make for thaimselfis ayther to justifie or excuse that thair intollerable ryot and contempt, first by speitch and than by write thai gaif in the declinator following, as disclaiming thaimselfis altogidder from any subjection to his

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Majestie and his Councill, making all thair actions of quhatsoever sort by thair awn interpretation to be mere spirituall, and that thair meitting the 2d day of Jully last at the burgh of Aberdein wes such ane essentiall ecclesiasticall mater, warranded by Gods Word, that thairin thai did no offence, and, gif any thai had done, the Councill of any secular Prince wes no way to judge thaim, bot thair awn Assembly,—a most lewde and vain position, it being a certane and infallible maxime in the law that thair ansuer could not exceid the limitis of the lybell and accusation, and thairfoir, thai being only accused at that tyme for such a private and unlawfull misdemeanor, thair declinator could not bot directlie deny his Majesties authoritie in that particular point: quhairof we have lykewyse set doun the tenor:—

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'My Lords of Secret Councill,—Pleaseth your Lordships, the approbation or disallowance of ane Generall Assemblie hath bein and sould be a matter and cause spirituall, and alwyse cognosced and judged by the Kirk, as judges competent of this realme; and, seing we are called befoir your Lordships to hear and sie it found and declaired that we have very contemptuouslie and seditiouslie conveined and assembled our selfis in a Generall Assemblie at Aberdein the 1st Tuesday of Jully last, and thairfoire the said Assemblie and approbation thairof decernit and declarit to be unlawfull, as at mair lenth is conteined in the summonds execute against us thairanent, we, in consideration of the premisses and uther reasons to be given by us, have just cause to declyne your Lordships judgments as nawyse competent in the cause above specifeit; and by these presents we simpliciter declyne the same, seing we are most willing to submitt ourselfis to the tryall of the Generall Assembly, only judges competent. By thes presents subscryvit with our hands as followeth, att Edinburgh, 24 day of October the year of God 1605:—*Sic subscribitur*, Mr John Forbes, Mr John Welsh, Mr John Munro, Mr Andro Duncan, Mr Alexander Strauchan, Mr James Greig, Mr William Forbes, Mr Robert Youngsoun, Mr Nathane Inglis, Mr Charls Farum, Mr Thomas Irving, Mr John Scharp, Mr Robert Durie, John Ross.'

This declaration being repelled, and thai haveing used some other frivolous defenssis, with more loss of tyme than uttering of any mater, at last, all being repelled, they were found to have conveined maist unlawfullie, contrair to his Majesties warrand and charge given to the contrarie. And, being returned to thair severall prissons, upon advertisment given to his Majestie of the haill proceidings in that proces befoir the Councill, and of that proud presumption of these ministers in propounding the said declinator without any respect of the Act of Parliament made in May 1584, or any pain quhich thai incurred by doing thairof (quhich wes that any persone, aither spirituall or temporall, presuming to declyne the judgment of his Majestie and his Councill in any matter quhatsumever sall incurr the pain of treassoun), therfoir his Majestie presentlie sent his royall direction to his Councill that the ordinarie course of justice, according to the laws of this his Hienes realme, sould proceid against these

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ministers quho, by the propounding of that declinator, had made a plaine denyall of thair subjection to his Majestie, and of his royall power and authoritie over thaim. Quhairupon 6 of thaim (being than in prison within the Castell of Blackness) were, upon the 10 day of January last, brocht to his Majesties burgh of Linlithgow, and thair presented upon pannell befoir his Hienes Justice, being the ordinar judge of all matters criminall; quho had joyned to him a great number of noblemen and uthers of his Majesties Councill by his Hienes commission, to assist the said Justice in that matter. And, thair indytment being groundit upon the first statute made in May 1584, and upon that thair presumptuous fact in declyning the Councills judgment quhain thai were first brocht to thair ansuer, thai were than demandit quhat thai could say for thaimselfis befoir the matter sould pass to the tryall of a jurie. And, notwithstanding that some of thair awn bretheren, upon earnest request to the Councill, obtenit licence and permission to conferr with thaim and perswade thaim to ane humble submission and penitence, as alswa that thair tuo principall procurators and councillares at law, not being able to perswade thaim to this same course of humilitie, quhairin thai delt with thaim earnestlie, did, upon thair obstinacie, directlie refuise to plead for thaim, and, lastly, notwithstanding that thai were publictlie admonished by the judge, the verie tyme of thair standing at the barr, that, putting of that mask of wilfullness (the only thing which blindit thaim from sicht of thair awn follyes), they wald humble crave his Majestie pardoun, of quhose grite clemencie in caice of thair submission all that were present had very grite hopes and uttered grite assurances, yit, such was thair malignant and indurat obstinacie as, harding thair hartis against all these private and publict perswasions and admonitiones, they wilfullie persisted in justifying of thair actions, having still the assistance of sa mony councillors at law as wald stay with thaim. And the only thing thai could alledge for thaimselfis quhy thai sould not goe to the tryall of ane assyze wes that the said statute of May 1584 wes thairafter interpreted and limited by a particular clause of ane statute made [in 1592, wherein it is declared that the said Act made] in 1584 against the declining of the Councills judgment sall nowayse be prejudiciall nor derogate anything to the priviledges quhich God hath given to the spirituall office-bearers in the Kirk concerning heids of religion, matters of heresie, excommunication, collation, or deprivation of ministers, or in such-lyke essentiall censures speciallie groundit and having the warrand of the Word of God. And heirin thai do alledge that, thair meitting at Aberdein being ane essentiall censure warranted by Gods Word, they mycht lawfullie declyne the Councills judgment from taking cognition thairin. Wherunto it wes ansuerit by his Majesties Advocat of that his Hienes kingdom that thair defence wes to be repelled, becaus the keiping of ane Assemblie at ane certane tyme and place, and the appointing of ane uther Assembly of new, contrair to his Majesties charge, and against the will and comand of his Hienes Councill of this his kingdome, and notwithstanding of the disassenting of his Majesties Comissioner,—much less the

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keiping of that pettie conventicle in the toun of Aberdein the 2d of Jully last past,—is not any heid of religion, matter of heresie, excomunication, or essential censure quhatsoever, and so, being noway under this limitation, must of all necessitie come under the generalitie of the former statute in the 84, and thai must have incurred the pain of treason for declyning of the Councills judgment, being called to thair ansuer upon thair contempt. And, lykewyse, in that same very clause in interpretation of the former Act, however it is declaired that the said statute sall never make derogation to the priviledge that the office-bearers of the Kirk haith given to thaim concerning religion, heresie, and other ecclesiasticall censures (quhairin his Majestie wilbe ever far from assuming unto himselfe any papall and tyrranicall authoritie over the expres word of God), yit doth not that clause inferr such a privative of his Majesties soveraignitie as may denude him of that lawfull power quhich Cristiane Kings have over the Churches that are within thair dominions. The mater going to the tryall of ane assize, these 6 are found guiltie of high treason, and returned to thair severall prissons. And thairfoir, as heirby this proud contempt and disobedience of this small handfull of ministers (to the very grite greife and sorrow of all the weill disposed of that profession in this kingdom) is cleirlie and trewlie set doun (that the ignorance thairof sould not be the occasion of mistaking by any of the most just and necessarie causses enforcing this hard proceiding against thaim), so are the said wilfull and obstinat persons to be left to thair just punishment for thair dew deserts; quhairunto they have most contentiously constrained his Majestie, and in a maner extorted the same against his will.

A Declaration of the Just Causes of his Majesties proceiding against those ministers who are now lying in prison attainted of high treason.

And, nevertheles, since thair is no contempt bot hath the own favourers, no folie bot by some patronised and allowed, and that upon vain curiositie (notwithstanding of thair knowledge to the contrair) some will not stik to manteine paradoxis and defend absurdities quhich, howsoever in maters frivolous and of no moment [they] mycht be overslipt and not regairdit, yit in such matters, concerning his Majesties royall authoritie and the excusing and justifying of hich and proud contempts by any sort or rank of persons, so farr sould we of his Hienes Council in our dutie and alledgance to our Prince and Soveraine be from ony sort of cairlesnes as heirby we have thocht meitt to signifie his Majesties speciall pleasure and will that he doth straitlie comand and charge all his Hienes subjects of this his kingdome, of quhatsoever rank, place, calling, function, or condition thai be, that nane of thaim presume or take upon hand, ayther in publict or private, to murmor or call in question in ony sort this his Majesties prerogative, royall authoritie, or the lawfullnes of the proceiding against the saids ministers, or ony way to make constructions, or to interpret the Act of Parliament of the year 1584 concerning the declyning of his Majestie and his Councills judgment otherwyse than the same is made clear and manifest by this present decisioun of the Justice in the tryall of the saids ministers: with certification to thaim that sall contravein the same that thai salbe realie punisht in the qualitie of seditious persons

and wilfull contempners of his Majesties most just and lawfull governament."[1] Skene Abridgment.

11th March. *Sederunt*—Commissioner; Chancellor; Errole; Cassillis; Uchiltrie; President; Master of Elphinstoun; Dunkeld; Haliruidhous; Privy Seal; Justice Clerk; Edzell; Whittinghame; Brintiland; Advocate; Collector; Clerk of Register; Fostersait; Sir Johnne Arnott. Sederunts. Fol. 45, b.

[1] This elaborate document, thus agreed upon by the Council on the 7th of March 1606, saw the light in the following month, in the form of a pamphlet with the imprint "*Edinburgh: printed by Robert Charters, Printer to the Kings Most Excellent Majestie,*" and the title, "*A Declaration of the Just Causes of his Majesties Proceedings against these Ministers who are now lying in prisoun attainted of High Treasoun: Sett out by his Majesties Counsell of the Kingdom of Scotland.*" Calderwood, who gives us this information, inserts the pamphlet almost entire in his *History* (vi. 419–437). There are some slight verbal differences between the copy thus printed in Calderwood and the copy in the text. These arise, doubtless, from the fact that there were modifications of the original wording in writing it out for the press, or in seeing it through the press; and the copy in the text is to be taken, therefore, as more nearly representing the original of the 7th of March than Calderwood's reprint of the pamphlet of the following April. It has been necessary to use that reprint, however, at various points of the copy in the text, in order to repair mistakes and omissions of words, due to the carelessness of the transcriber of the *Skene Abridgment*,—some so gross as to make the phraseology unintelligible.—The document is undoubtedly the strongest contemporary statement of fact and doctrine on the King's side in the great question of the Aberdeen Assembly and its consequences, and may be compared with several contemporary statements of fact and doctrine on the other side which will be found either in Calderwood or in the *Diary and Autobiography of James Melville*.—The difference of political and constitutional doctrine is, of course, profound; but more curious perhaps is the difference as to matters of fact in an affair so recent. The Government *Declaration*, it will be observed, still adheres to that account of the incidents of the Aberdeen Assembly which had been originally adopted by the Council on the report of the Laird of Lauriston, and which asserted that the Assembly had been held on the 2nd of July in spite of a discharge under pain of horning publicly executed the day before at the market-cross of Aberdeen (*ante*, p. 85 and p. 92, footnotes), and this though that assertion had again and again been contradicted on the part of the inculpated ministers, and proof of it by the Laird of Lauriston had been defied (*ante*, p. 125, footnote). Other discrepancies will be detected between the Government *Declaration* and the contemporary Presbyterian manifestos.—The most interesting thing now, however, about the present Government *Declaration* is the extent to which it is, both in matter and in wording, the King's own. It had originated, as we have seen, in positive instructions from the King to the Scottish Privy Council, in a letter to them dated "Whitehall, 22nd Jan. 1606," to prepare such a document (see *ante*, p. 165, footnote, and the letter itself among *Royal and other Letters*). In that letter, he had charged Secretary Balmerino with the task, and had taken pains to sketch his own notions of what the document should contain. Especially it was to include verbatim a copy of "oure awne schorte Declaratour maid by oure awne selfe, and sent you from oure hunting progres the last yeare," *i.e.*, in the autumn of 1605, when the Council was first taking action against the offending ministers. That instruction it will be seen, was implicitly obeyed; for the very core of the present document professes to be a verbatim quotation of what had been thus penned by his Majesty "with his awn hand" so many months before. It consists of the six paragraphs beginning, 'Because this unreulie handful,' and ending 'contempt to our authoritie.' Accordingly, this little essay of six paragraphs on the Aberdeen General Assembly of 1605, though not included in the collection of King James's Works in 1616-20, might have had a place there. It is more clever and more characteristic than some of the other political essays which that collection does include. There can be no doubt, however, that the rest of the present *Declaration of the Just Causes, &c.*, whether drafted by Secretary Balmerino or by Lord Advocate Hamilton (and the syntax is not very creditable to either of them), may be regarded as also the King's to the extent of not only having been prescribed by him, but also submitted to him by post for his approval.

Recovered Fragments of Acta 1605–6. Page 597.

[Imperfect record of a suit against Sir James Johnstone of Dunskellie] purporting that he had threatened to resist complainer if he should come to execute the laws against him, and avowed that, if he or any of the King's officers should come to that effect, he "sall mak sowane craigis and persew thame of thair lyveis." That vow he made at the kirk of Johnnstoun and Dynwiddie Chapel. It thus appears that defender "intendis to brek the cuntrey, and to do quhat in him lyis to renew the former misordouris of thay boundis, quhilk now by Godis providence ar reasonablie weill quieted."—Charge had been given to the said Sir James Johnnstoun of Dunskellie to answer this day; and now, both parties appearing, the Lords assoilzie Johnnstoun, because, the pursuer having referred the complaint to his oath, he has declared by his great oath that the same is not of verity.—[The following entry in the *Haddington MS. Excerpts* appears to be an abstract of the proceeding here imperfectly recorded:—]My Lord Hereis persewed the Laird of Johnestoun for oppressioun, in boisting countriemen to hang theme over thair awin bakis gif they tuke land of my Lord Hereis, whilk he had to set, as also for forceing his men to pay him ane taxatioun. Baith-the saids poynts being fund relevant, my Lord Hereis failyeit in probation, and the defendar wes assolzeit."

Lord Herries against the Laird of Johnstone for oppression: Absolvitor.

Haddington MS. Excerpts. Fol. 351, a.

Recovered Fragments of Acta 1605–6. Page 597.

Sederunt—Commissioner; Chancellor; Cassillis; President; Newbottle; Master of Elphinstoun; Dunkeld; Blantyre; Halyruidhouse; Justice Clerk; Privy Seal; Collector; Advocate; McKanzie; Bruntiland; Edzell; Quhittinghame; Foistersait; Sir Johne Arnot; Clerk of Register.

Edinburgh, 13th March.

Page 598.

Complaint by David, Lord of Scone, Comptroller, and James Dog of Bal[? lingrew, chamber]lain of Menteith, stating that upon . . . . December last George Grahame of Reidnoch had been put to the horn for not paying them twelve bolls of oat meal of the crop 1604 for the feumaills of the mill of Reidnoch, and also a mart for the said lands of the same crop, and that he is still unrelaxed.—Pursuers appearing by Hammiltoun, their procurator, but the defender not appearing, the Captain of the Guard is ordered to seize his person and houses, and to inventory his goods for his Majesty's use.

Letters of caption against Grahame of Reidnoch.

Page 599.

Complaint by Johnne Andirsoun in Couper-Grange, bearing that William Gilleis . . . . , who had been put to the horn on 7th December last for not paying him 100 . . . . with £10 as . . . . of three bolls bear, as principal, together with £20 for expenses, as specified in a precept obtained by the pursuer against . . . . of Dunkeld, still remains unrelaxed.—Decree against defender as in last Act.

John Anderson against William Gillies.

Complaint by David Lumisdane of Blanarne against George Auchinlek of Cumlege for still remaining at the horn, to which he had been put on 7th November last for not infefting complainer, his heirs and assignees, in the six husbandlands of Blanarne-Nuike, as principal, and also (for special

Decree against Auchinleck of Cumledge at instance of Lumsden of Blanearn.

warrandice of the same) in the lands and mains of Cumlege, including the lands of Quhytlaw and Blakdykes, as parts and pertinents of the lands of Cumledge, and further for not fulfilling to the complainer sundry other articles contained in a contract of date 2nd June 1603, passed between Auchinlek, with consent of Alesoun Hume . . . . , on the one part, and the complainer on the other, and not paying to the pursuer . . . . merks for expenses specified in the said contract.—Complainer appearing by William Naper, his procurator, but Auchinlek not appearing, decree is given against Auchinlek as in last Act. Recovered Fragments of Acta 1605–6 Page 600.

Archibald Murray against Bruce of Pitlethy.

Complaint by Archibald Murray, servitor to Patrik, Lord Glammis, that Robert Bruce of Pitlethie, who had been denounced rebel for not paying him £500, as principal, with £20 for expenses, is still at the horn.—Complainer appearing, but not the defender, decree against defender as in last Act. Page 601.

Suspension of horning against certain Lindsays for disobedience.

Complaint by George Strauchane, brother of the Tutor of Thornetoun, Mr Alexander Lindsay, son of the Laird of Edzell, David Lindsay, fiar of Vayne, Johnne Lindsay, apparent of Bordland, Alexander Lindsay, younger of Kethik, Mr Johnne Lindsay, brother of the Laird of Dunrod, George Lindsay, brother of the Laird of Covingtoun, Mr Patrik Lindsay, son of Patrik Lindsay, burgess of Dundie, William Lindsay, son of Alexander Lindsay of Kildrany, and Johnne Lindsay, his brother, as follows:—They have been denounced rebels for not answering before the Council for "the insolence and contempt" alleged to have been committed by them in Edinburgh upon June last. Now, they were never charged personally, or at their dwelling places, or at the market crosses of the head burghs of the shires where they dwell, but only at the market cross of Edinburgh, from which they were 40 miles distant; and, as they had found caution in 500 merks each to answer upon 13th March (this day), and to pay to the Treasurer £10 each for their escheats if legally required, they crave suspension of the said horning.—Charge had been given to Sir Thomas Hammiltoun of Monkland, King's Advocate, and Sir Johne Arnot, Treasurer-depute, to answer in the premisses; and now, the said Mr Alexander Lindsay, and David Lindsay, fiar of Vayne, appearing for the complainers, but the defenders failing to appear, the Lords do suspend the said letters. Page 602.

Proclamation anent the island of Lewis.

"Forsamekle as, upoun occasioun of the barbarous and detestable murthouris, slauchteris, and utheris insolenceis commitit be the wicked and rebellious thevis and lymmairis of the Lewis, every ane of thame aganis otheris, and aganis our Soverane Lordis gude subjects quha repairit thair in thair lauchfull trade, it pleasit his sacred Majestie to dispone the heritable rycht of the same to a nomber of gentilmen quho adventured to extirpat and [ruit] out the saidis rebellious lymmairis and to plant the [saids bounds] with a nomber of answerable, peciable, and obedient [subjects]; quho accordinglie haveing anes possest thames[elfis in the Lewis], and suirtie being gevin be the principal ringle[aders and chiftanes] for thair obedience and conformitie, thai [maist treasonablie and] treacherouslie,

Recovered Fragments of Acta 1605-6.

without respect to aith, cons[cience, promise, or] conventioun, asselzeit the saidis gentilmen [venterers, quhen] nothing les wes expected be thame, and [cruellie invadit thaim] of thair lyveis, and expellit and put th[aim out of the Lewis], they being assisted in counsall a[nd action to this effect be] the maist pairt of the chiftanis [of clans of the Iles; and now[1]] his

Page 603.

Majestie by his awne pouer and authoritie haveing of new repossest the saidis gentilmen in the peciable possessioun of the Lewis, and a nomber of the rebellious inhabitantis thairof haveing withdrawne thameselffis furth thairof with promeis and conditioun nevir to returne: nevirtheles, sic is the treacherie, falset, and policie of those people that continewalie they have thair spyis resorting to and fra the Lewis, espying the actionis, behaviour, and proceidingis of the saidis gentilmen and thair companyis, and making informationis thairof to them. Quhilkis spyis falslie usurping and allegeing thameselffis to be men and servandis to sic personis of the Ilis quha professis freindschip to the saidis gentilmen, and that thair comeing thair is for necessar and lauchfull caussis, they in this meantyme ar comploting and divising with the cuntrey people to mak ane new assault upoun the saidis gentilmen, and to procure ane insurrectioun of the cuntrey people aganis thame. For remeid quhairof the Lordis of Secrite Counsale ordanis letters to be direct to command and chairge the haill inhabitantis of the Ilis, be oppin proclamatioun at the mercat croces of &c., that nane of thame presome nor tak upoun hand to resort or repair to the Lewis without licence of the saidis gentilmen, undir the pane of deid; and siclyke to command and chairge the auld inhabitantis of the Lewis quho ar sufferit to remane within the same that nane of thame presome nor tak upoun hand at ony tyme efter the publicatioun heirof to beir, weir, or use ony armour or wapponis, saulfing ane knyf without ane point to cute their mait, undir the said pane of deid."

Decree against Strachan and Drummond for lying at the horn for debt.

Complaint by Robert Andirsoun in Auchrany that Robert Strauchane in Pitlevie, as principal, and Mr Andro Drummond, minister at Panbryde, his cautioner, having been put to the horn on 7th December last for not paying the pursuer £106, 6s. 8d., as specified in their obligation, remain as yet unrelaxed.—Complainer appearing, but neither of the defenders,

Page 604.

the Captain of the Guard is ordered to apprehend and enter them, take their houses, and inventory their goods for his Majesty's use.

Suspension of horning against John Meldrum.

Complaint by Johne Meldrum of Ordley, as follows:—He has been put to the horn at the instance of William Troup of Pendreich and Andro Meldrum of Darley for not answering for having come to the Mylnetoun of Drumbrek-Mill and ejected George Mylne, their tenant, and planted himself in the mill and mill-lands thereof, and having hurt and wounded the said tenant, and for other points of oppression. No knowledge of the charge had come to complainer's ears till long after the said denunciation; and, as he had found caution in 500 merks to answer this day, and as his escheat has already been disponed by his Majesty to Samuell

[1] The words enclosed in square brackets are taken from the *Skene Abridgment.*

Ord, he pleads that the said horning should be suspended.—Complainer and Meldrum appearing, the Lords do suspend the said horning. Recovered Fragments of Acta 1605-6. Page 605.

James Kyle and James Fyfe to be denounced for an assault on the teacher of the Grammar School of Dundee.

Complaint by Mr James Fergusoun, doctor of the grammar school in Dundie, that, on the night of 30th July last, while he was in "his awne dwelling house at his studie, reiding upoun his buikis," James Kyle, merchant, burgess there, accompanied by James Fyff, maltman, also burgess there, violently entered the house, where, efter mony threatning and minassing speitcheis," Kyll "maist schamefullie and unhonnestlie strak him upoun the face twyse or thrise with his fauldit nevis," and would have done him greater injury if he had not been relieved by the neighbours.—Complainer appearing personally, the defenders, for not appearing, are to be denounced rebels. Page 606.

Decree against Andrew Moncur for debt.

Complaint by Andro Leslie, son of Leonard, Commendator of Coupar, that Andro Moncur, elder of that Ilk, who had been denounced on 9th January 1605 for not paying complainer £500, remains still at the horn.—Complainer appearing, but not the defender, the Captain of the Guard is to apprehend defender, take his houses, and inventory his goods.

Decree against John Arbuthnot for not relieving his cautioner.

Complaint by Mr William Leslie of Warthill that Johnne Arbuthnot of Carnegill, who had been denounced on 13th August 1602 for not relieving complainer of all the articles in a decree of the Lords of Council and Session of date 2nd February 1601, obtained by . . . . Lord Glammis against the said Arbuthnot, as principal, and complainer as cautioner for him, remains still unrelaxed.—Complainer appearing by Lowrence Keir, his procurator, but defender failing to appear, there is decree against defender as in last Act. Page 607.

Decree against William and John Redpath for non-redress of spuilyie.

Complaint by Williame Robiesoun in Darnethesk that Williame Reidpath in Old Grenelaw and Johnne Reidpath in Foulscotlaw, having been put to the horn on 24th October last for not restoring to complainer two horses and four oxen reft by them furth of the lands of Dernechester, or else the prices thereof, together with the sum of £10 for expenses and 40 . . . . paid to the Lords' collectors, still remain at the horn.—Complainer appearing personally, but neither of the defenders, there is decree against them as in last Act. Page 608.

Appeal by Lord Maxwell and Maxwell of Tinwald against grant to Sir William Cranston of the maills and duties of the castles of Lochmaben and Annan.

[Imperfect record of] complaint by Johnne, Lord Maxwell, and William Maxwell, younger of Tynwall, as follows:—Sir William Cranstoun, alleging that his Majesty had assigned him the maills and duties of the King's castles of Lochmaben and Annand for the better enabling him to do his Majesty's service entrusted to him, has charged complainers to pay to him the maills of the said castles intromitted with by them, and to desist from all farther melling with the same, under pain of rebellion. Now, the letters so charging them have, they plead, been "verie inconsideratlie" granted, without trial preceding; and, if the complainers had been called, they would have proponed reasons which would have stayed the granting of the said letters,—*e.g.*, that the said Lord is heritably infeft and seised by his late father Johnne, Lord Maxwell, in the . . . . of the castle of Lochmaben, with the fishings, feu farms, fees, maills, and duties belong-

Recovered Fragments of Acta 1605–6.

ing to the said castle, ... duties and rents of the toun of A . . . . sindry the lands, fishings and . . . . of Annanderdaill, as in his seasing [Here end the Recovered Fragments of the Register].

Haddington MS. Excerpts. Fol. 353, a.

My Lord Hereis being decerned to exhibite before the Counsale ane Jardin, being a rebell, for taking the house of Newbie, as he that wes provin be the Laird of Johneston to be my Lord Hereis man, and ane for whome he sould ansuer, and having suspendit to ane day, at that day he alledgit that, the nicht before he came fra hame, that man wes stollin away furth of his house and had taue away his best hors; whilk he supponed he had done be Johnestons persuasion.—The Lords gave him ane day ather to present him or to preive that Johneston had persuaded him to flie under the payne of 500 merks. 15th March. [Lord Herries sued for the non-entry of a rebel.]

Sederunts. Fol. 45, b.

Sederunt—Commissioner; Chancellor; Mairshaell; Lyulythqu; Uchiltrie; Neubottle; President; Dunkeld; Haliruidhous; Master of Elphinstoun; Blantyr; Edzell; Quhittinghame; M^cKanyee; Privy Seal; Collector; Fostersait; Sir Johnne Arnott. 20th March

Haddington MS. Excerpts. Fol. 351, b.

Proclamation aganis the Maister of Craufurd, that nane reset or supplie him under the payne to be repute and puneist as pairtakaris of his crymes. Proclamation aganis the Maister of Craufurd.

Alexander Spalding and uthers being persewed be Drumlochie for oppression, and not compeirand, decreit is gevin aganis thame, and thay ordanit to be chairged,—be oppin proclamation at the mercat croce of Perth, becaus thay ar brokin hielandmen,—to enter in wairde within xv dayes efter the chairge, under the payne of rebellion. Broken heiland men ordanit to be chairgit be oppin proclamation.

Fol. 352, a.

James Stewart, burgess of Glasgow, persewit Robert Stewart, induellar in Edinburgh, for his malicious counterfutting ane letter as gif it had bene subscryved be the said James, and sending the same to the said James his wyfe, being than great with chylde, adverteissing hir that the said James wes deadlie seik and willing hir to cum to him in haist,—intending thairby, be the suddane fray of his seiknes and untymous travell, in respect of hir estait, to have caussit hir pairt with bairne and incur the danger of hir lyfe. For the whilk letter, being confessit be the said Robert, he wes committed to wairde within the towbuith of Edinburgh. [Robert Stewart warded for forging a letter.]

Sederunts. Fol. 45, b.

Sederunt—Commissioner; Chancellor; Uchiltrie; President; Blantyr; Halirudhous; Privy Seal; Collector; Clerk of Register; Fostersait; Sir Johnne Arnott. 27th March.

[No record of proceedings.]

Sederunt—Chancellor; Neubottle; President; Master of Elphinstoun; Quhittinghame; Justice Clerk; Kilsyith; Collector; Clerk of Register; Fostersait; Sir Johnne Arnott. 3rd April.

Laird of Ruthven [diet before the Justice deserted for a special cause].

Upon the supplication of the Laird of Ruthven, bearing that, he being caution for ane Nairne for his compeirance to underly the law for the slauchter of ane Croket, and being ane of his Majesties ordinar domestikes, subject to monethlie attendance upon his Hienes person, the verie day that he wes to tak his jornay to court he wes chairgit to present the said Nairne before the justice within sex dayes: whilk he may not do, in respect of his jornay; and thairfore desyrit ane ordonance of the Counsall to the justice and justice clerk to desert the dyet. Whilk wes granted. Haddington MS. Excerpts. Fol. 352, a.

[Payment of the Border garrison.]

Johne Logane ordanit be decreit to mak payment to Sir Williame Cranstoun of the monethlie waiges dew to him for his garrison upon the penult day of ilk moneth; and that letters be direct [accordingly].

10th April.

Sederunt—Angus; Cassillis; President; Master of Elphinstoun; Halirudhous; Quhittinghame; Privy Seal; Collector; Clerk of Register; Sir Johnne Arnott. Sederunts, Fol. 45, b.

[No record of proceedings.]

Edinburgh, 24th April.

Sederunt—Chancellor; Newbottle; President; Dunkeld; Ross; Quhittinghame; Justice Clerk; Collector; Advocat; Sir Johnne Arnot. Fol. 46, a.

[Berope against Ker.]

Robert Berope *de eodem* suspends Sir John Kerr of Hirsle. Skene Abridgment.

Act anent the Erls robis [modifying a previous regulation as to the robes to be worn by Marquises and Earls in Parliament].

"Forsamekill as, albeit it was thocht meit and expedient be Lords of Secret Councill, and concludit and set doun be ane Act of Councill, that, for the gritter solemnitie of the Hich Court of Parliament and honouring of the same with such schawes of magnificence as to the majestie of such a Court apperteyneth, all the Marquesses and Erles of this kingdome sould provyde thaimselfis againe the nixt Session of Parliament to wear robis of reid crymson velvit, yit, his sacred Majestie and the saids Lords considering and understanding perfytlie that be the custome of others kingdomes the wearing of velvit robis in tymes of Paliament is only proper to the Princes children, as a mark of honour dew unto thaim by the nobilitie, and that Marquisses and Earls only wears robis of reid scarlet cloath in tymes of Parliament, distinguished for the severall degries of honour in the copes or hoods of the same by sa mony severall gaires of quhite furring drawine athorte the same, and weiris thair velvet robis onlie at coronations, creations, and such publict solempnities as the first entrie of ony Prince to the cheife and principall citie of ony kingdome, thairfoir his Majestie and the saids Lords, following the lovable custome of others kingdomes, hes ordanit that the haill Marquesses and Earlis of this kingdome sall leave off thair former resolution anent the weiring of velvit robis in tyme of Parliament, and reserve thair saids velvit robis to the publict solemnities of coronationes, creations, and uthers forsaids, and that thai sall provyde thaimselfis with robis of reid scarlet cloath again the

Skene Abridgment.

nixt Session of Parliament,—quhich, God willing, wilbe about the midle of June nixt to come,—and ordaines letters to be [? directed] to make publicatione heirof be open proclamation at the mercat croces of the heid burrows of this kingdom, quhairthrow the saids Marquesses and Earls pretend na ignorance of the same." [Compare *ante*, pp. 57–58, and pp. 160–161.]

Haddington MS. Excerpts. Fol. 351, a.

[John Cunningham against Grahame of Grugar: Action continued.]

Johne Cuninghame, brother to the Laird of Craigens, persewit Robert Grahame of Grougar for oppression and pistolettis. The summonds wes execute the 20th of Apryle to compeir upon the 24 day; and, albeit the witnessis wer the defendars awin men and compeired, yit the Lords excused the defendars absence in respect of the schortnes of the wairning, and continewed the mater to that day xv dayes.

[Turnbull of Minto against Ker of Fernihirst for breach of assurance: Absolvitor.]

The Laird of Minto-Trumbill persewit young Fernihirst for breaking of assurance and incurring the payne of infamie and the sowme of fyve thousand punds to be devyded betuix the King and the persewar,—becaus Fernihirst, efter the subscryving of the assurance, had spuilyeit Mintoes cornes and guids, whairupon he had obtenit decreit of spuilyie aganis young Fernihirst. It wes exceptit be Fernihirst that he dealt *bona fide* in that mater, becaus he had ane gift of Trumbillis escheit, and ane generall declaratour be vertew whairof he had mellit with these cornis as the rebells; and, albeit the want of ane particular declaratour of these guides had maid Minto to get decreit of thame as of his guides, yit he had ane probabill cause of intromission to purge him of the brek of assurance, and wes ouer saire puneissit be the rigour of the decreit of spuilyie. Whilk alledgeance the Lords fund relevant, and assoilyiet him.

Fol. 351, b.

[Horning against Earl of Morton suspended, in respect of sickness.]

The Erle of Mortoun being persewed before the Counsall be Johne Kirkcaldie of Abden, to heir and sie ane command gevin to the Gairde to apprehend his persoun, tak his house, and intromet with his gudes, in respect of his horning, ay [and] whill he wer relaxt and the persewar satisfied,—in respect of my Lords seiknes, the Lords decernit and suspendit the execution for fyftene dayes.

[Modification of a penalty in lawborrows refused to Mr John Ross, minister of Logy.]

Mr Johnne Ros, minister at Logie, being chairged for lauborrowis be Johnne Corbet, and having fund caution under the payne of 2000 merks, thairefter suspended, in respect of the exorbitant quantitie of the sowme. It wes exceptit be Johne Corbet that the sowme sould not be modifiet, first, becaus caution wes els fund, nixt, because he had contravenit,—whairupon this defendar had raised and execute summonds of contravention. In respect whairof, the Lords fand that whill the contravention wer discussit thay wald not decyde this suspension, becaus gif any odious contravention be alreddie committed thair is the les reason to modifie the sowme of lauborrows.

[The Minute Book of Processes gives the following memoranda collectively for April 1606:—]

Minute Book. Fol. 13, b.

Proces befor the Commissioners of the Bordouris againist severall fugitives. April 1606.

April 1606. Rebellion: James Skeen against Thomas Lindsey. Minute Book.

Rebellion: Sir Michaell Balfour against Sir James Ballenden.

Letters: James Ramsey and Johnne Hutcheon against Sir Johne Bruce for deforcing the Guard.

Supplicatione: Sir James Creichtoun against the freinds of umquhile David Crokett, craving ane warrand to desert the dyett in the criminall proces against Johne Nairne, for whom he wes cautioner.

Ryott: James Purves against Patrik Blakadder.

Petitione: Captan of the Guard for setting doune a constant ruele of the tyme of the paying the Guard.

Rebellione: Mawsie Duncan against Edward Stewart.

Bill: James Muirheid against the Lord Maxwell for exhibiting Robert Greir as his tenent.

Suspension: Robert Berop against Sir Johne Ker.

Ryott: William Ramsay against Johne Livingstoun.

Rebellion: James Broun against William Hog.

Rebellion: James Stewart against the Countes of Atholl.

Proclamatione ordaining Marquesses and Earles to wear a scarlet rob at Parliament, and ther crimson velvet rob at coronationes or creationes only.

Witnesses: William Ramsey against Johne Livingstoun.

Rebellion: Johne Boyd against Thomas Boyd.

Rebellion: Johne Kirkaldie against Earle of Mortoun.

Letters for discussing a suspension: Andro Pringle against Thomas Ker.

Rebellion: Johne Broune against Thomas Sword.

Rebellion: Agnes Logan against James Lindsey.

Rebellion: Johne Barclay against James Fentoun.

Proces of contraventioun of assurance: Thomas Trumbull against Sir Andro Ker.

Rebellion: Ninian Johnstoun against Johne Carlochy.

Wrongous imprisonment: James Cathro against the baylies of Dundy.

Rebellion: Thomas Ambros against the Commendatour of Cambuskeneth.

Witnessis: Thesaurer and Advocat against James Dounie.

Rebellion: Robert Scott against James Blak.

Rebellion: Margaret Stewart against David Melvill.

Rebellion: Elizabeth Sempill against Thomas Sempill.

Ryott: David Libbertoun against Richard Vernour.

8th May. *Sederunt*—Chancellor; Neubottle; Ros; Halirudhous; Privy Seal; Advocate; Collector; Clerk of Register; Sir Johnne Arnott. Sederunts. Fol. 46, a.

[John Cunningham against Robert Grahame of Grougar and certane of his tennentis being persewed be Johne Cunninghame of Rawis for oppression, forceing his house under Haddington MS. Excerpts. Fol. 353, a.

Haddington MS. Excerpts.

nicht, and presenting ane bended pistolet to himself, and bearing and wering hagbuttis, &c., Robert not compeirand, and his tennentis compeirand, the witnessis ressaved preived that Robert had ane pistolet. And, albeit the tennentis denyed that thay had ony, yit, becaus thay wer in cumpany with thair maister, thay wer wairdit and fynnit: and the said Robert, being absent, wes ordanit to pay 500 merks. I [*i.e.* Lord Advocate Hamilton] then desyrit the sowme to be les; whilk the Lords wald not modifie to 300 merks, 8 May. Bot thairefter, upon the xx of May, at desyre of Roberts freinds, thay modifeit his penaltie to ane hundreth merks. [Grahame of Grugar for oppression.]

Skene Abridgment.

Andro Abercrombie of Strarudie suspends lawborrows raised against him be Johne Boiswell of Cragsyde. 12th May. [Abercromby against John Boswell.]

Sederunts. Fol. 46, a.

Sederunt—Commissioner; Chancellor; Lynlythqu; Elphinstoun; Neubottle; President; Master of Montrois; Master of Elphinstoun; Blantyr; Quhittinghame; Privy Seal; Advocate; Collector; Clerk of Register; Kilsyith; Fostersait; Sir Johnne Arnott. 15th May.

Proclamatioun of the Parliament.

Haddington MS. Excerpts. Fol. 353, a.

The Laird of Couschenie, alledging that Forbes of Tullikerie, having done him wrangis, for his farder vexation had summond him and ane number of his pure tennentis to the fyft day of Junii before the Counsall in Edinburgh, to withdraw him fra his redemptions and laufull terms in Aberdene at Witsonday nixt. Upon whais narrative and the Clerk of Registers affirmation of sum things concerning the caice *in facto*, the Lords, be thair deliverance, grantit to Cuschenie ane continuation of all these actions to the last day of Julii or thairby, and ordanit him to mak intimation to Tullikerie. This mater wes reasoned and voted at the buirde amangis the great Lords and Prelats. 20th May. [Action by Forbes of Tillikerry against the Laird of Cushny continued.]

David Makilriok in Elgin, alledging [alledged] that his competitour, knawing that he wes at the verie poynt of his depairting to his voyage furth of the cuntrey to his traffik, had maliciouslie summond him to compeir before the Counsall upon the tuelt of Junii nixt, to disapoynt him of his voyage. Upon whais narrative the great Lordis, but forder tryell, be thair delyverance grantit to him continuation of that action till his returning from the saile. [Continuation of diet to David Mackiriock, merchant, maliciously summoned when about to sail.]

Ane Maklellane having schamfullie murdered his gude-father, called Kennedie, and Maklellane being followed and tane be his chief, the Laird of Bombie, the great Lordis granted commission to the Laird of Bombie, being minor, and to Maklellane of Auchlane, to put the prisoner to assyse, &c. [Assize for trial of MacLellan, a murderer.]

Sederunts. Fol. 46, a.

Sederunt—Commissioner; Chancellor; Angus; Ergyll; Mar; Cassillis; Lynlythqu; Fleming; Uchiltrie; Elphinstoun; President; Lowdoun; Abircorne; Roxburgh; Master of Montrois; Dunkeld; 22nd May.

Halirudhous; Constable of Dundie; Edzell; Privy Seal; Justice Clerk; Kilsyith; Advocate; Collector; Fostersait; Sir Johnne Arnott. Sederunts.

[Bridge of Lasswade.] Anent the Brig of Lessuade: Commission gevin to uplift ane impost upon passengers for reparation thairof. Haddington MS. Excerpts. Fol. 352, b.

27th May. *Sederunt*—Commissioner; Chancellor; Angus; Cassillis; Glasgu; Ros; Dunkeld; President; Halirudhous; Master of Elphinstoun; Quhittinghame; Advocate: Collector. Sederunts. Fol. 46, a.

[No record of proceedings.]

Edinburgh, 29th May. *Sederunt*—Commissioner; Chancellor; Angus; Cassillis; Newbottle; Uchiltrie; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Hallyrudhous; Constable of Dundie; Quhittinghame; Justice Clerk; Master of Elphingstoun; Advocate; Collector Fosterseat; Sir John Arnot. Skene Abridgment.

Charge against the Lairds of Lundie, Balcomie, and others for keeping the peace. "Forsamekill as it is understand to the Lords of Secret Councill that the variance and controversie quhilk fell out betuixt James Lundy of that Ilk, Sir James Lundy, his brother, Robert Lundy of Balgonie, David Lundy of Newhall, Andrew Lundy of Condland, George Lundy, younger of Gorthie, Andro Aytoun of Dynmure, and Mr John Aytoun of Kynnaber, on the ane part, and William Learmonth of Dersy, William Learmonth, appearand of Dersy, Mr Robert, John, and Patrick Learmonthis, sons to the said William Learmonth, elder, Sir John Learmonth of Balcomie, Mr William Learmonth, his brother, David Learmonth, son to umquhile Robert Learmonth in St Andrews, Sir Robert Foster of Buquhane, knycht, and Mr James Martein, appearand of Cordon, on the uther pairt, yit remaines unremovit or tane away, swa that baith the pairties awaitis the commoditie to prosequute thair private revenge against uthers, to the trouble and disturbance of the peace of the cuntrey, and bringing on furder inconvenients, without remeid be provydit: thairfoire ordains letters to be direct to command and charge baith the saids pairties to compeir personally befoir the saids Lords of Secret Councill upon the day of , to underlye sic order as salbe tane with thaim twiching the observation of his Majesties peace and keiping of guide rule and quietnes in the cuntrey, under the pain of rebellion, &c., with certification, etc."

[Caption against Mark Mawer and others.] Mark Mawer, commissar of Murray, John Mawer in the Haugh of Dipple, and Michaell Mawer of the Loch, ordained to be apprehendit for a civill debt.

Sir John Arnot of Birsay, tresaurer-depute, hes a caption against William Patton in Longniddrie.

Andro Arnot, minister at Scotlandwell, denuncit at the instance of

Skene Abridgment.

Walter Arnot *de eodem*, for not fulfilling a decreit arbitrall pronuncit be John Arnot, provost of Edinburgh, John Arnot, younger of Woodmill, David Arnot *de eodem*, judges arbitrators choysen mutuallie be the said Walter Arnot *de eodem* and Mr Andro Arnot. [To denounce Andro Arnot, minister.]

Haddington MS. Excerpts. Fol. 353, b.

Twa Gramislaws being takin reidhand for slauchter of Robert Trumbill of Bewlie, and being transported from Jedburgh to the towbuith of Edinburgh, and be thair supplication desyring to be put to libertie upon caution, thay wer ordaned to summond the neirrest of kin of the defunct to persew thame, with certification, gif thay failyeit, thay sould be put to libertie. The defuncte freinds desyrit thame to be reteaned, becaus thay had the horning under reduction, whairby the saids slayars intended to defend thameselfs aganis the persute for the slauchter. In respect whairof, the Lords wald not put thame to libertie upon caution. 2nd June. [Anent men taken red-hand for the slaughter of a rebel.]

Sederunts. Fol. 46, a.

Sederunt—Commissioner; Chancellor; Cassillis; Ros; Dunkeld; Uchiltrie; Neubottle; President; Master of Elphinstoun; Haliruidhous; Edzell; Quhittinghame; Privy Seal; Justice Clerk; Advocate; Collector; Clerk of Register; Fostersait; Sir Johnne Arnott. 5th June.

[No record of proceedings.]

Sederunt—Commissioner; Chancellor; Caithnes; Uchiltrie; President; Abircorne; Spynie; Ros; Dunkeld; Halirudhous; Blantyr; Edzell; M^{c}Kanyee; Brintiland; Privy Seal; Advocate; Clerk of Register; Fostersait; Sir Johnne Arnott. 10th June.

Haddington MS. Excerpts. Fol. 353, b.

The Lord Maxwell decernit to be put to the horne for not exhibiting my Lady, his wyfe, before the Counsall, and putting hir to libertie. [Lord Maxwell and his wife.]

Skene Abridgment.

Sir James Scott of Abbotshall and his accomplices having mett with Robert Burd, servitor to Robert Hepburne of Alderstoun, and bound him hand and foot, and thrown him in a cellar, thai are ordained to set him at libertie within 6 houres, under pain of rebellion. [Charge to Scott of Abbotshall.]

Sir John Dunbar, now of Mochrum, being persewed to exhibite Paull Dunbar, naturall son of umquhill Sir John Dunbar of Mochrum, quho had killed Quintein Boyd, be hounding out of the said Paull, and to quhom he was maister and landslord, Mochrum is assoylzied for want of probation. [Absolvitor to Dunbar of Mochrum.]

Sederunts. Fol. 46, b.

Sederunt—Commissioner; Chancellor; Angus; Cassillis; Lynlythqu; President; Abircorne; Master of Elphinstoun; Dunkeld; Ros; Privy Seal; Constable of Dundee; M^{c}Kanyee; Sir George Douglas; Fostersait; Sir Johnne Arnott. 11th June.

[No record of proceedings.]

13th June. *Sederunt*—Commissioner; Chancellor; Angus; Mar; Caithnes; Dunbar; Fleming; Glammis; Abircorne; Uchiltrie; Elphinstoun; Scone; Blantyr; Master of Montrois. Sederunts.

The plague being raging at Edinburgh, the Parliament is ordained to sit at Pearth 1 Jully. Skene Abridgment.

16th June. Proclamation anent the maner of repairing to the Parliament. "Forsamekill as the nixt session of our Soveraine Lords High Court of Parliament, for mony weightie and grave considerationes, is appointit to hald at the burgh of Pearth, and to begin, God willing, upon 1st day of Jully nixt to come, quhairat a grite number of the Nobilitie, Councill, and Estaits of this kingdome intends to be present for treating and concluding upon certaine affairs tending to Gods glorie and comon benefit of this Estate; and seing the nature and majestie of the High Court of Parliament craves a modest, peaceable, decent, and comely behaviour in all degries and ranks of persons repairing to the same, quho aucht to forbear and abstein fra all thingis quhilk may cary any appearance of uncomelines and unquietnes, and speciallie fra unnecessar and unseamlie convocations and backings, quhilk hes ever bein so odious and deteastable to our Soveraine Lord, reteins some mark of factious barbaritie, and hes bein prohibite and forbidden be sa mony guid lawis, Acts, and constitutions of Parliament,—quhilks unnecessar convocationes are not only greivous and burdenable to our Soverane Lords guid subjects, bot at this tyme and session of Parliament wilbe ane occassion that the Nobilitie, Councill, Estaitis, and officers of Parliament will not be full commodiouslie accomodat in thair ludgings as to thair ranks and places apperteyneth: Therfoir the Lords of Secret Councill ordaines letters to be direct to officiars of armes, scheriffs in that pairt, charging thaim to pass to the mercate croce of Edinburgh and uthers places neidfull, and thair be open proclamatione to comand and charge all and sundrie noblemen, prelats, barrons, and commissioners quha are myndit to repair to the said Parliament, that thai and every ane of thaim make thair address to the said Parliament in a decent, quiet, and comelie maner, without convocatione or in armes, accumpanyit only with the numbers following, aggrieable to thair ranks and estaits,—viz. every Marques and Erle with 24 persons or within, every Lord with 12 persons or within, every grite Barron with 8 persons or within, and all uthers persons with thair ordinar houshold traine allenerly, conforme to the Acts and constitutions made heiranent of befoir,—and that na maner of persons, of quhatsumever rank, qualitie, degrie, or condition he be of, presume to take upon hand, upon quhatsumever cullor or pretense, to violat this ordinance and directioun, under all highest paine and charge that after may follow, and under the pain of incurring his Majesties havie wraith and displeasure."

[Caption against Andrew Fortune.] Andrew, son and apparent air of John Fortune of Almesyde, ordained to be tane for a debt.

Sederunts. Fol. 46, b.

Sederunt—Commissioner; Chancellor; Angus; Cassillis; Uchiltrie; Neubottle; Roxburgh; Ros; Dunkeld; Blantyr; Haliruidhous; Constable of Dundie; M^c^Kanyee; Murdocairny; Brintiland; Edzell; Privy Seal; Justice Clerk; Advocate; Collector; Sir Johne Arnott. 19th June.

Haddington MS. Excerpts. Fol. 353, b.

Daniell Johnestone wairdit in the towbuith of Edinburgh for persewing and invaiding Maister Johne Scot upon the calsay of Edinburgh and straiking him with his hand upon the face. [Daniel Johnstone] wairdit for ane cuff.

The Laird of Abbotshall being persewed be Robert Hepburne of Adderston for violent taking of his servand, binding him hand and fute, imprisoning him in ane sellar, and deteaning [him] prisoner dyvers dayes and nichts, and torturing him, Abbotshall was ordained to pay 100 lb. to the Thesaurer, and tuentie pund to the said Roberts servand. In that cause it wes alledged that the Laird of Reidhall wes fynnit and wairdit for straiking of ane pure man with his fute. [Scott of Abbotshall fined for binding and imprisoning a man.]

Thair wes mutuall persutes before the Counsall be the towne of Selkrig aganis the Gudeman of the Yair, and be the Gudeman of the Yair aganis the towne of Selkrig. The Lords inclynit to think, albeit the Gudeman of Yaires complaint aganis the towne wes that they, with convocation of thair haill towne in airmes with hagbutts, came to his proper lands, and put and held perforce gudes upon it, yit that the having of hagbutts in the cumpanie could stryke aganis nane bot sik as had thame in thair awin hands, unles the persewar wald preive that thay wer used be the provest and bailyies command, assistance, and ratihabition. [The town of Selkirk and the Goodman of the Yair.]

Sederunts. Fol. 46, b.

Sederunt—Commissioner; Chancellor; Cassillis; Uchiltrie; President; Ros; Dunkeld; Blantyr; Haliruidhous; Constable of Dundee; Edzell; Privy Seal; Collector; Advocate; Sir Johnne Arnott. 24th June.

Skene Abridgment.

The Session ordained to ryse for certane great caussis, viz. the sitting of the Parliament, and to lye over for a space; and ordaines the nixt doun-sitting thairof salbe on 10 days warning by proclamation. [Session ordained to rise.]

There being a deadlie feud betuixt Robert, Lord of Roxburgh, on the aue pairt, and Sir Robert Ker of Ancrum, William and Thomas Kers, his bretheren, &c., on the other pairt, they are ordained to submit to freinds, under pain of rebellion. [Feud between Lord Roxburgh and others.]

"Forsamekill as the Soveraigne and High Court of Parliament of this kingdom is now to begin and hald at the burgh of Pearth, quhairat a grite number of the Nobilitie, Councill, and Estaits wilbe present for advysing, treating, and concluding upon sundry affairs tending to the glory of God, weill of the Kirk, and comon benefite of this Estaite, and seing the nature and majestie of this soveraigne court requireth a modest, peaceable, and quiet behaviour in all degries and ranks of persons repairing to the same, Holyrood-house, 26th June 1606. Proclamation for keeping of peace during the tyme of the Parliament.

quho, in regaird of thair dewtie and obedience to thair most gracious Soveraigne prince, and for the reverence of this honourabill action, aucht to lay asyde all thair particular quarrells and private grudges, and in peace, love, and unitie of hearts, as members of one body, aught to concurr togidder to the furtherance and advancement of his Majesties service and sic other matters as are to be intreated and handlit in this assemblie; and albeit it is not to be doubtit bot that all noblemen and dutifull subjects will haif a speciall caire to keip the tyme of this honorable assembly haly and unviolat, and will forbeir to do, practize, or attempt anything directly or covertlie quhilk may produce trouble or inquietnes; yit, becaus sic publict meittings doth never want some seditious, factious, and busy bodys, quha, be surmises and telling of tailes and misreports amongst the nobilitie, and somtymes be toulzing of others quhai are in noblemens company and thair uncomelie gesture and behaviour, doth quhat in thaim [lies] to yoke noblemen togidder quha stands in termes of freindship, quhairupon mony inconvenients hes oft tymes followit, to the disturbance of the peace of the cuntrey: Therfoir the Lords of Secret Councill ordains heraulds, messengers, pursevants, and officiars of armes, to pass to the mercate croce of the burgh off Perth, and thair be open proclamatione in our Soveraine Lords name and authoritie to comand and charge all and sundri persons repairing to this present Parliament, of quhatsumevir qualitie, degrie, or condition thai be, that thai and every ane of thaim contein thaimselfis in quietnes, observe and keip our Soveraine Lords peace, and on nawyse presume nor take upon hand to invaide or persew others for auld feid or new, or for ony other cause or occassion, nor to offer ony occassion of offence to others in word, deid, or countenance, outher in thair comeing to this burgh, remaineing thairin, or depairting thairfra, under the pain of deid, certifying thaim that failyie that thai salbe taken, apprehendit, and the said pain of deid execute upon thaim without favour or mercy." Skene Abridgment.

[Anent the Exchequer.] The Exchequer dischargit to sitt, because of the sitting of the Parliament.

[Anent criminal court.] The Criminall Court also dischargit during the sitting of the Session.

29th June. [Highlander detained in ward for crimes whereof he was not accused.] The Laird of MacKenzie finding ane Makean, tennent to the Marquis of Huntlie, in Edinburgh, he obteaned ane command to put him in the tow-buith. And, Makean geving in his bill desyring to be put to libertie, he wes first ordaned to find caution to underly the law for thiftis and uther crymes [that] sould be layed to his chairge, albeit he wes never chairgit [or] denunced for ony of the saidis crymes. Haddington MS. Excerpts. Fol. 353, b.

[The *Minute Book of Processes* gives the following memoranda collectively for June 1606:—]

June 1605. Ryott: Irwing against Rosse.

Letters: Edward Sinclar against the Earll of Orkney, to be putt to liberty. Minute Book. Fol. 14, a.

Ryott: Donaldsone against Hereot.

Minute Book. June 1606.

Rebellion: Johnstoun against Kers and utheris.

Rebellion: Moscrope against Rutherfoordis.

Ryott: Fyf against Forbes.

Suspensione: Pontounes against Logie.

Decreit: Colin Campbell against Lauchlan M^cIntosh, for exhibition of Johne Glasse befor the Counsell.

Ryott and oppression: the Lord Hereis against Gordons.

Letters to be putt to liberty: Robert Hepborn against the Laird Abbotshall.

Protestatioune: Johne Jamesone against Johne Callandar.

Petitione: the Laird of Cowthrople craving that the baylies of the Canongate may give in to the Counsell ane list of the arreistmentis maid upon him while he wes prisoner there.

Suspensione: David Rollok against Sir Michaell Balfour.

Oppression: Dame Margaret Lyon against the Lord Maxwell.

Act of cautione for Scott of Abbotishall and utheris.

Protestatione: the Laird of Carntullie against James Rory.

Ryott: Richard M^cGill against Johne Logie.

Ryott: Ferguson against Graham and utheris.

Suspensione: Navays against Tyrie.

Rebellion: Mistress Elizabeth Sinclar against Hutchon M^cKey.

Letters: the nearest of kin of Quintin Boyd against Sir Johne Dumbar for resett of Paull Dumbar, rebell.

Protestatione: the Lord Hereis against Robert Reddik.

Suspension: Adam Greinhill against William Bonar.

Rebellion: James Aikinheid against Johne Johnstoun.

Rebellion: Nicoll Blair against Patrik Campbell.

Rebellion: Mr Johne Johnstoun against William Adair.

Act prorogating the Parliament, in respect of the plague broken up in Edinburgh.

Act prorogating Robert Murrayes commissione for uplifting ane custome at the bridg of Kirkaldy for repairing thaireof.

Fol. 14, b.

Rebellion: Jonet and Cristean Douglasses against Johne M^cDowall.

Oppression: William Sinclar against the Earle of Orkney.

Rebellione: Hary Broun against Andro Fortoun.

Ryott: Mr Johne Scott against Daniell Johnstoun.

Rebellion: Edward Scola against Johne Monteith.

Rebellione: James Reid against Alexander Young.

Advocatione: Dougal Craufurd against the presbetry of Wigtoun, who had charged him to give his oath upon the cryme of adultery.

Act for raising the Sessione.

Precognitione against the Lord Roxburgh and Ker of Ancrum.

Witnesses: Andro M^cMitchell against Johne Gordon and utheris.

Witnesses: Alexander Fyff against the Laird of Towie.

Band: Raulf Ker for William Alie, that he shall appear befor the Counsell.

Suspension: the Earl of Orkney against Sir Michaell Balfour.

Perth, 1st July. Anent the keeping of ranks during the tyme of the Parliament.

"Forsamekill as, be ane Act and Ordinance of Privy Councill, ratifyit, allowit, and approvin be the Kings most excellent Majesty, the ranks and places of the haile noblemen of this kingdom is appointit and set doun; quhilks ranks and places they and every ane of thaim ar decernit to brook and possess in all Parliaments and Generall Councills, and to make no question, trouble, nor pley to ony that are rankit afoir thaim, ay and quhill the person or persons quha finds thaimselfis interest and prejudgit be thair said ranking obtein lawfullie ane decreit in the contrair befoir the Lords of Councill and Session be production of mair ancient evidents nor hes bein producit in thair contrair, as the said decreit and his Majesties approbation thairof, publisht and printed for the better information of all his Majesties subjects, at lenth bears.[1] Thairfoir, the Lords of Secret Councill ordains heraulds, macers, pursevants, and officiars of armes to pass to the mercate croce of the burgh of Perth, and thair, be open proclamation in our Soveraine Lords name, to comand and charge the haill noblemen of this kingdome attending and awaiting upon this present Parliament that thai and every ane of thaim take thair ranks and places during the tyme of this present Parliament according as thai are rankit in the print proclamatione forsaid, and that thai nor nane of thaim make ony contestation, trouble, or question for thair said ranking during the Parliament forsaid to ony that are rankit afoir thaim, bot that thai conforme thaimselfes to the decreit and proclamatione forsaid; certifying thaim that sall failyie or do in the contrair that they shalbe repute and haldin as breakers of his Majesties peace, disturbers of the Parliament, and hinderers of his Majesties service, and salbe censurit and tane order with accordinglie." Skene Abridgment.

Anent the continuatione of the Generall Assembly [proroguing it from the present month to May next year].

"Forsamekill as, the Kings Majesties unchangeable resolution ever to provyd for the peace of the Kirk of this his Hienes kingdome of Scotland (quhairin his Hienes cair and paines are manifest to the haill world) haveing moved his Majestie,—for preventing of neidles questions and troubles quhilks mycht have arissin in the nixt Generall Assembly of the Kirk, quhilk wes appointit to be haldin at Dundie the last Tuesday off Jully instant, gif ony sould have meant to have annullit or alterit the Acts made and concludit in preceiding Assemblies haldin in his Majesties presence,—to crave of every particular Synod thair approbation and allowance of the saids Acts, quhilks only tendit to the weill of the Kirk, his Majestie wes frustrat of that expected consent and approbation, and thairby persaveing that grite appearances of contention, trouble, and devision wes lyklie to aryse in the said Assembly unless order were lykewyse tane befoir thair conveineing: For preventing of all sic occassions and hurtfull effects, his Majestie, thairfoir, by his justice letters, hes comandit ane grite number of the ministers of this kingdome of greatest

[1] The reference seems to be to a certain "Decreet of Ranking," or ordinance as to the precedency of Peers, recently passed by the Council, and then well-known, though it will not be found in the preceding pages,—not having been copied from the Register either into the *Haddington Excerpts* or into the *Skene Abridgment*.

Skene Abridgment.

learning and experience to repair towards his Hienes, to the effect, his Majestie being trewly informed by thaim of the distrusts, dislykings, greives, and contests fallin furth amangst thaim, and of the maist charitable, easie, and permanent remedies thairof, his Hienes mycht conclude and speedilie caus publish his Hienes resolution and will thairanent. And, albeit his Majesties earnest and speciall desyre wes to have this done with all possible diligence afoir the appointit tyme of the nixt Assemblie, yit, in respect of mony grite and weichtie effaires quhilk his Majestie hes adoe at this tyme, his Hienes lasure may not be spared to that meitting afoir the tyme of the said Assemblie. And, seing this treaty and meitting with the saids ministers mon necessarlie preceid the halding of the said Assembly, as ane preparation for the peaceable conveining, modest proceiding, and godly conclusion of the same, the Lords of Secret Councill therfoir hes thocht meit to prorogat and continue the tyme of the said Generall Assemblie unto the last Tuesday of May nixt to come; and ordains the said Assembly to be haldin at the burgh of Perth the day foirsaid; and ordains letters to be direct to make publication heirof be open proclamatione at all places neidfull, quhairby nane pretend ignorance of the same, and to command and charge all and sundrie persons of the ministerie that nane of thaim presume nor take upon hand to resort or repair to the said burgh of Dundie for halding of the said Assembly, and that thai on nawyse convein nor meit to that effect, under the pain of rebellion and putting of thaim to the horne, and, gif thai or ony of thaim failyies or does in the contrair, to denunce the disobeyers rebells. And siclyke to comand and charge the provost and baillies of Dundie that thai suffer not the said Assembly to be haldin nor keipit within thair toun the tyme forsaid, as thai will ansuer to his Majestie and his Councill upon thair obedience at thair highest perrell."[1]

[1] As might be gathered from the proceedings under this date, 1st July 1606, the Council were then in the bustle of a new meeting of Parliament.—Called originally for the 7th of June 1605, this Parliament had been prorogued from time to time during the intervening twelvemonth, till at last it had been arranged that it should meet in Edinburgh for actual business in June 1606. The King's great favourite and agent, the Earl of Dunbar, had come from London to manage matters in chief for his Majesty, the rather because Chancellor Dunfermline was at this time under some disfavour, by reason of rumours that he had not been sufficiently firm against the late Assembly at Aberdeen beforehand, but, on the contrary, had countenanced the conduct of that Assembly by some private prior understanding with Mr John Forbes and others of the ministers who held it. Hence some rivalry between Chancellor Dunfermline and Dunbar in their preparations for the Parliament; and, as the town of Edinburgh favoured the Chancellor, Dunbar had obtained another short prorogation, with a warrant to change the place of meeting from Edinburgh to Perth. See note of the prorogation, *ante*, p. 214; where, however, the continuance of the plague in Edinburgh is given as the reason for the change of place.—At all events, on the 1st of July Perth was astir with the presence in it not only of the Privy Council, but of all those other noblemen, prelates, lairds or small barons, and commissioners of burghs, who formed what was to be remembered for some time afterwards in Scottish History as THE RED PARLIAMENT.—The reason for the name was the unusual blaze of colour presented by the costumes of the nobility when the Parliament was assembled. This matter of the greater splendour of the robes to be worn in Scottish Parliaments had for some time interested his Majesty, and, by his direction, his Scottish Council and ministers. See *ante*, pp. 57-58, the Act of Council on the subject, or rather

Perth, 2nd July.

Sederunt—Comissioner; Chancellor; Hammiltoun; Huntley; Angus; Ergyle; Errole; Mar; Glencairne; Caithnes; Lynlythqu; Dunbar; Wigtoun; Glammis; Master of Montrois; Uchiltrie; Sederunts. Fol. 46, b.

of the Council and the Nobles in convention, on 7th June 1605. By that Act it was required that, to distinguish the nobles from the "meaner and inferior ranks," all dukes, marquises, and earls should wear in Parliament "reid cramsie velvit robs lyned with quhyte armings and taffety," and all lords "reid scarlet robs lynit after the same fashion." The Act was repeated as late as January last (see *ante*, pp. 160–161); but subsequent consideration had led to a change of views. Hence, by a still later Act, passed April 24 (see *ante*, pp. 208–209), it had been ruled that, though marquises and earls might properly wear crimson velvet at coronations, creations of peers, and on other great state occasions, velvet in Parliament ought to be reserved for princes of the blood only, and the proper parliamentary garb of marquises and earls, as well as of lords, was simply "reid scarlet cloth," the further discrimination of ranks among the noble wearers to be effected by the varieties of white furring on the "copes or hoods" accompanying the robes. It was this appearance of so many nobles in scarlet in the Perth Parliament of July 1606 that won for it the name of THE RED PARLIAMENT. There was supposed to be an omen of the nature of the proceedings of the Parliament in the prevailing colour of their robes. There was a legend, it seems, that, at the time of the Reformation, one of the Roman Catholic bishops had consoled his brethren for the downfall of their system with the prophecy that "a reid Parliament in St Johnstoun sould mend all again." Calderwood, who relates this, (vi. 493), adds "It was thought that he was a magician." This is with reference to Calderwood's construction of the general tendency of the Acts passed by this Parliament before it rose.—At our present point, though the nobles and councillors, and all the other members of the Parliament, had gathered in Perth, the Parliament had hardly met formally to settle to its work. The two Acts of Council of the present day, at least, contain nothing very formidable. One provides for good order in the Parliament during its sittings by regulating that all the members shall take the exact places assigned them by a late ordinance of Council on the subject of ranks, and not raise any question of precedence on their own account while the Parliament lasts. The other was, doubtless, of more interest at the time to the public at large, inasmuch as it again adjourned that meeting of an authorised General Assembly of the Kirk which had been adjourned more than once already, and for which, especially since the condemnation of the attempted Assembly at Aberdeen in July 1605, and the severe punishment of those concerned in it, there had been so much longing. There had been, as we saw, a proclamation of his Majesty's intention to allow such an Assembly in Dundee; and though the date fixed for it had been vaguely "July," with no specification of the year (see *ante*, pp. 126–127, and footnote), it was natural to suppose that July 1606 was meant, and that, while the Parliament was sitting in Perth that month, the Assembly would sit about the same time, either in Dundee, as had been proclaimed, or, perhaps, by new proclamation, at Perth. By the present Act of Council this expectation was disappointed. It interprets the previous proclamation as having intended July 1606 as the date for the Assembly, but prorogues the Assembly for ten months, assigning May 1607 as the time, and Perth as the place, for its meeting. The reason given for this renewed prorogation of the Assembly so much longed for is that his Majesty had "commandit ane grite number of the ministers of this kingdome of greatest learning and experience to repair towards his Hieness, to the effect, his Majestie being trewly informed by thaim of the distrusts, dislykings, greives, and contests fallin furth amangst thaim, and of the maist charitable, easie, and permanent remedies thairof, his Hienes mycht conclude and speedilie caus publish his Hienes resolution and will thairanent." This conference by his Majesty in London with so many of the leading Scottish clergy, summoned thither for the purpose, "mon necessarlie preceid," it is explained. "the halding of the said Assembly."—Here we have the first mention in the Register of a matter which was to turn out most important to the individuals concerned, and to the Scottish nation: viz., the summons of Andrew Melville, James Melville, William Scot, minister of Cupar, John Carmichael, minister of Kilconquhar, William Watson, minister of Burntisland, James Balfour of Edinburgh, Adam Colt of Musselburgh, and Robert Wallace of Tranent, to go into England to confer with his Majesty there, and with such of the Scottish bishops and others as his Majesty should call to the conference, on the existing ecclesiastical state of Scotland. The missive letters to the eight Presbyterian ministers, dated "At our Manor of

Sederunts. Fol. 46, b.

Elphingstoun; Lowdoun; Hereis; Newbottle; Balmerinoch; Scone; Lovat; Saltoun; Tullibardin; Roxburgh; Spynie; St Andrews; Glasgu; Dunkeld; Ros; Halirudhous; Blantyr; Constable of Dundee; Kilsyith; Murdocarny; Brintiland; Privy Seal; Justice Clerk; Collector; Advocate; Clerk of Register; Sir Johnne Arnott.

Skene Abridgment.

"The Lords of Secret Councill, willing that ane decent and comelie ordour salbe observit and keipit be the Estaits of this kingdome in thair ryding to this present Parliament, hes set doun the order following, to be observit and keipit be thaim: viz. that the Commissioners of Burrows, tua and tua in a rank, sall march fordwart; and nixt unto thaim the Commissioners of the Barons, tua and tua in a rank upon horseback; and nixt unto thaim the Abbots and Pryors, tua and tua in a rank; and immediatelie after thaim the Lords, rankit as said is, and the laitest in creation to marche fordwart; and nixt unto the Lords, the Bischops and Archbishops, twa and twa in a rank, according to thair dignities; and immediatlie after thaim the Earls, rankit as said is, and the laitest in creation to march foirmest; and nixt unto thaim, and immediatelie afoir the Commissioner, the honours; and after the Commissioner, the Marquisses of Hamilton and Huntly. And ordains letters to be direct to make publication heirof, quhairthrow nane pretend ignorance of the same." Anent the maner of ryding to the Parliament.

"The Lords of Secret Councill having heard the controversie betuixt Francis, Erle of Erroll, high constable of Scotland, on the ane pairt, and Mr David Ogilvy, James Steuart, and James Ord, deputes to George, Erle of Marshall, in his office of marshallship during the tyme of this present Parliament, on the uther pairt, anent the priviledge and libertie acclamit be aither of thaim to the keiping of the keys of the Parliament Hous; and the saids Lords being weill advysit with all that hes bein proponit and alledgit be baith the pairties in this matter, and having heard the relation of sundry persons anent the forme and order observit be thaim in preceiding Parliaments: the saids Lords declaris that the keiping of the keys of the Parliament Hous and the gairding of the utter barr and yettis thairof properlie apperteyns to the Lord Constable as a pairt and priviledge of his office, and that the keiping and guairding of the inner barr only apperteyneth to the Marshall." Anent the Erls of Erroll and Marshall.

The Erle of Eroll protestit that the granting of a Guaird to the Marschall sould not be prejudiciall to him and his office. [Protest by Erroll.]

The Erle of Marschalls deputis protestit that nothing done at this tyme sould be prejudiciall to the Erle of Marschall and his office. [Protest for Marischal.]

"The Lords of Secret Councill ordains letters to be direct charging

Greenwich, the 21st of May 1606," had been received in the course of that month. They appointed the 15th of September next as the latest day at which his Majesty was to expect the arrival of the eight at court, and commanded them all to keep that day without fail, "excuses set aside." See *Diary of James Melville*, 634-636, and Calderwood, vi. 477-479. There was great perplexity among the eight as to whether they should go or not; and they were still considering the matter, and consulting their friends.

[Assault by the Master of Winton and his brother upon the Earl of Glencairn and his retinue.]

George, Master of Wintoun, and Sir Alexander Seytoun, his brother, to compeir personallie befor the Lords of Secret Councill at Perth, or quhair it sall happen thaim to be for the tyme, upon the 6th day nixt after the said charge, to ansuer to sic things as salbe layd to thair charge, twitching the insolence comittit be thaim within the burgh of Perth, upon the 1st day of Jully instant, in the persute and invasion of James, Erle of Glencairne, and his freinds, upon the high street of the said burgh [*nota:* they killed John Mathie, servant to the Erle of Glencairne], to the break of his Majesties peace, violation of the proclamation made for the quiet and peace of this Parliament, and to the contempt of our Soveraine Lords authoritie and laws, and twitching the break of waird quhairin thai were comandit to remaine be his Majesties heraulds for this same cause, and to underly sic order as salbe tane thairanent, under the pain of rebellion, &c., with certificatione, &c. And, after thair comeing to the toun quhair thair tryall salbe, that thai immediatelie address thaimselfis to thair ludgings, and on nawyse repair furth thairof quhill thai be send for and that some be direct from the Councill to make thair convoy to the Counsall, under the pain forsaid."[1] Skene Abridgment.

Perth, 6th July.

Sederunt—Comissioner; Chancellor; Mar; Dunbar; Wigtoun; Glasgu; Ros; Neubotle; Balmerinoch; Scone; Murdocairny; Justice Clerk; Advocate; Collector. Sederunts, Fol. 47, a.

The Counsalls advyce to his Majesties Advocat anent the conceilling of ane Act.

"The quhilk day, in presence of the Lords of Secret Councill, compeirit personally Sir Thomas Hamiltoun of Monkland, knycht, advocat to our Soveraine Lord, and presented befoir the saids Lords ane Act signed be the Kingis most excellent Majestie, conteining ane commission to certane of his Majesties Counsall and to some of the Bischops and Comissioners of the Kirk to set doun and conclude ane sufficient and reasonable stipend for the minister of ilk kirk that salbe conteined in any of the creations quhilk salbe past in this present Parliament, to remaine with the said kirk in all tyme cuming as ane perpetuall locall stipend, as alsua conteining diverse provisions and conditiones against the patrons of the saids kirks, as at lenth is contenit in the said Act; and craves the saids Lords advyce and Skene Abridgment.

[1] Respecting this scuffle in the streets of Perth on the very opening day of THE RED PARLIAMENT, in connection with the feud between the two noble houses of Eglinton and Glencairn, see Spotswood, p. 496, and and Chambers's *Domestic Annals of Scotland*, i. 394-5. Mr George Seton, in his *Memoir of Chancellor Dunfermline* (1882), gives some additional particulars, as follows:—"On a certain Tuesday night, immediately after supper, the Master of Winton, and his brother, Sir Alexander Seton (nephews of the Chancellor), encountered the Earl of Glencairn with some thirty retainers, on their way to the Earl of Eglinton's lodging. The leaders of the two parties were in the act of passing each other at a judicious distance, when 'sum rascall servandis in the end of thair cumpanies' drew their swords and raised a commotion, which was only quelled by the intervention of the townsmen and the King's Guard, and resulted in the 'licht hurting of verie few, and more dangerous wounds of ane servand to the Erle of Glencairn.' The Chancellor was so annoyed by the affair that he refused to see his nephews, and resolved to have the matter fully investigated 'without respect or favour of any persone.'"

Skene Abridgment.

opinion gif he sould present the said Act to the Lords of Articles. Quhilk Act being read, heard and considerit be the Lords of Secret Councill, and thai being thairwith weill advysit, and considering how that mony grite matters of weight and consequence, concerning the weill and advancement of his Majesties service, hes bein proponed be his Majesties direction to his Estaitis in this present Parliament, and hes receaved a verie favourable ansuer and had a verie guid success, to his Majesties full contentment and satisfactione; and the saids Lords feiring that the proponing of this Act sall breid some miscontentment in the hearts of sundry of his Hienes guid subjects quha hes kythit thaimselfis maist fordward in his Majesties service at this tyme, and are maist able to advance the perfection of the same, as alswa wilbe occasion of sundry scrouples and doubtis quhilkis will dryve tyme and produce mony difficulties: thairfoir the saids Lords of Secret Councill advyses the said Lord Advocat to conceall the said Act and on nawyse to present the same to the Estaitis,—quhairunto thir presents salbe unto his Lordship a sufficient warrand."

Sederunts. Fol. 47, a.

Sederunt—Commissioner; Chancellor; Hammiltoun; Angus; Ergyle; Errole; Mar; Glencairne; Caithnes; Lynlythqu; Dunbar; Orkney; Wigtoun; Lindsay; Glamis; Neubottle; President; Uchiltrie; Hereis; Saltoun; Elphinstoun; Roxburgh; Tullibardin; Scone; St Andrews; Glasgu; Ros; Dunkeld; Blantyr; Halirudhous; Murdocarny; Brintiland; Kilsyith; Constable of Dundee; Advocate; Collector; Clerk of Register.[1] Perth, 10th July.

Skene Abridgment.

"Anent the charge given be vertew of our Soveraine Lordis letters to George, Master of Wyntoun, and Sir Alexander Seytoun, his brother, to have compeired personally befoir the Lords of Secret Councill this present day, viz. the 10th day of Jully instant, to have ansuerit to sic things as sould be layed to thair charge twitching the insolence comittit be thaim within the burgh of Perth, upon the first day of Jully instant, in the pursuite and invasion of James, Erle of Glencairne, and his freinds, upon the high streit of the said burgh, to the break of his Majesties peace and violation of the proclamatione made for the quiet and peace of this his Hienes Parliament, and to the contempt of his Majesties authoritie and lawis, and twitching thair break of waird quhairin thai were commandit to remaine be his Hienes heraulds for this same cause, and to have underlyne sic order as sould have bein tane thairanent, under the pain of rebellion and putting of thaim to the horne, with certificatione to thaim and thai failyeit letters sould be direct simpliciter to put thaim thairto, lyke as at mair lenth is conteined in the saids letters, executions, and indorsations thairof. Quhilkis being callit, and the saids George, Master of Wyntoun, and Alexander Seytoun, his brother, being oftymes callit and Denunce the Master of Wynton [and his brother].

[1] In the corresponding list of Councillors in the *Skene Abridgment*, "Orknay" is not recorded, while "Abercorne" is entered as present, though he does not appear in the *Book of Sederunts*.

not compeirand, the Lords of Secret Councill thairfoir ordains letters to be direct to officiars of arms, scheriffs in that pairt, charging thaim to pass and in his Hienes name and authoritie denunce the saids George, Master of Wyntoun, and Sir Alexander Seytoun, his brother, rebells, and put thaim to the horne, and to escheat, &c." Skene Abridgment.

Charge against the Commissioners of Burrows [anent a proposed statute of theirs disqualifying common clerks within burghs to be commissioners to Parliament.]

"Forsamekill as, the wyse and politicque princes of all weill-governit comonwealths foirseing and considering that the cheife and principall ground of the mantenance of thair Estaitis and Crowns dependit upon the establishing of guid and wholesome laws and constitutions for reteineing and halding of the body of thair Estaitis in frame, ordour and conformitie, they, for this effect, have very wysely set doun the ranks, orders and degries of persons, with thair credite, authoritie and jurisdiction, fra quhom thir laws sall proceid, and in this kingdome the Soveragne and High Court of Parliament, consisting of 3 Estaites, hes that soveraigne power, authoritie and jurisdiction of making and setting doun of laws establishit in thair perrsons,—quhairin the earls, lords, and prelats hes the personall libertie and friedome of thair own voitis, and small barrons and burgesses, being mony in number and thairby representing 2 bodyes, are privilegit be thair commissioners to have place and vote in that soveraigne judgment; in the choyse and nomination of the quhilks comissioners thair hes ever bein a speciall respect and consideratione had to sic persons quha, for thair vertew, learning and experience, are able to prove worthie to be admittit in that honorable assembly, and no man by statute or pretext of a law hes bein secludit and made unable to undergo sic a commission, while now of laite that the Commissioners of the Burrows of this realme, presentlie assembled at Dundie, hes or intends to make and set doun in this thair assemblie, or some other generall assembly of the saids burrows heirafter, ane statute and law for secluding of all comoun clerks within burgh to be nominat and chosen comissioners at ony tyme heirafter be ony Parliament or Generall Counsall. By the quhilk statute thai pretend to forfalt all persons of the function forsaid, without respect of thair qualities, fra that libertie and friedome quhilk thair birth and the laws of the cuntrey affoords unto thaim; quhairby thai justifie thair partiall humors and disposition, and neidleslie wald make a statute quhair thair is no necessitie; and, seing the liberty of election of sic comissioners is frie to thaimselfis, swa thai have usurpit upon thaim that royall power and princelie prerogative onlie competent to our sacred Soveraine and his Estaitis of Parliament, and thairfoir the said pretendit statute, gif ony be, aught to be dischargit and have no effect nor execution heirafter:—For quhilk purpose the Lords of Secret Councill ordains letters to be direct to comand, charge and inhibite the saids Comissioners of Burrowis that thai on nawyse presume nor take upon hand to make ony Act or statute in that thair assemblie, or in ony other assemblie heirafter, for secluding of clerks within burgh to be Comissioners as said is, nor to keip ony minute or record concerning that matter, and, gif any sic Act be already made, that thai, afoir thair dissol-

Skene Abridgment.

ving, annull and discharge the same, deleit the same furth of thair buiks, and suffer no records nor memorie thairof [to be] left in write to the posterities, under the pain of rebellion, &c., and, gif thai failyie or do in the contrair, to denunce, &c."

Sederunts. Fol. 47, a.

Sederunt—Commissioner; Chancellor; Hammiltoun; Ergyle; Mar; Dunbar; Wigtoun; Kinghorne; Lothiane; Tullibardin; Master of Montrois; Uchiltrie; President; Scone; Blantyr; Halirudhous; Kilsyith; Collector; Advocate.[1] Perth, 11th July.

Skene Abridgment.

Act in favours of the Marques of Huntlie [and his spouse].

"Forsamekill as the Kings most excellent Majestie having, alse weill by word as wreit, commandit George, Marques of Huntlie, to resort and repair towards his Majestie for certane effairs concerning his Hienes service, and for order-taking with him for his satisfaction and resolution in sic questions and heids of religion quhairof he stands in doubt, that thairby he may gif contentment to the Kirk in sic things as are required of him; lyke as it is his Majesties will, pleasure, and direction that in this meantyme, and quhill his Hienes declaire his will and pleasure, no censure of the Kirk be used against the said Marques nor his spouse: thairfoir the Lords of Secret Councill ordains letters to be direct to comand and charge the ministers of the presbyteries and synods of Aberdein and Murray that thai on nawyse presume nor take upon hand to use ony censures of the Kirk, nor proceid to excommunication, against the said Marques and his spouse, quhill first thai be acquaintit with his Majesties will and pleasure in that matter, under the pain of rebellion, &c., with certification, &c."

Anent the Earls of Ergyle and Erroll.

"Forsamekill as the Lords of Secret Councill having heard the question standing betuixt Archibald, Erle of Argyle, Lord Campbell, and lord justice generall of this kingdome, and Francis, Erle of Erroll, high constable of the said kingdome, anent the priviledge and libertie acclamit be aither of thaim to cognosce and judge in all bloods and slaughters comittit within the tyme of Parliament in the toun quhair the Parliament is haldin, especiallie in the blood and slaughter of umquhill John Mathie, servand to the Erle of Glencairne, alledgit comittit be the Master of Wynton and his brother and some of thair complices within the burgh of Perth upon the first day of Jully instant; and the said Lords being laith that, upon occassion of this controversie, the pairty salbe frustrat and prejudgit of justice: therfoir thai have thought meit and expedient that, but prejudice of ony of the saids pairties rychts, a commission of justiciarie salbe past under the grite seale to the Earles of Linlithgow, Wigtoun, and Lowthiane, and to the Lord of Blantyr and Abbot of Hallyrudhouse, to sit upon that slaughter, and to proceid and minister justice thairin as accords: and ordains the place of tryall to be within the burgh of Stirleing, in respect of the proclamatione made for continewatione

[1] In the corresponding sederunt in the *Skene Abridgment*, "Abercorne" appears among the Councillors.

of all criminall dyets within the burgh of Edinburgh quhill Martynmass nixt, upon occassion of the pestilence within that burgh." Skene Abridgment.

[Protest by the Earl of Errol.] The Erle of Erroll protestit that the commission off justiciarie grantit to the Earles of Linlithgow, Wigtoun, and Lowthiane, Blantyre and Halyrudhouse, against the Master of Wyntoun and his brother, and thair complices, sould nowyse be prejudiciall to the libertie, priviledge and jurisdiction of his office.

A discharge to the Earle of Dunbar of the letter of gift granted be the Estaits of Flanders to the Prince. "The quhilk day, in presence of the Lords of Secret Councill, compeirit Sir Thomas Hamilton of Monkland, knycht, Advocat to our Soveraine Lord, and gaif in the letter and discharge underwrytten, desyreing the samyne to be insert and registrat in the Books of Secret Councill *ad futuram rei memoriam*. Quhilk desyre the saids Lords finding reasonable, they than ordained and ordains the said letter and discharge to be actit and registrat in the saids Books *ad futuram rei memoriam;* off the quhilk the tennor follows:—JAMES R. Foralsemuch as, by our speciall commandment, our trustie and weill-belovit cousine and councillour George, Erle of Dunbar, hes delyverit to Sir David Murray, knycht, gentleman of our dearest son the Prince his bed chamber, a letter and gift of yearly annuitie of 5000 libs., granted by the Estaits of the United Provinces of the Low Countries, under the grite seale, to our said dearest son during all the days of his lyftyme, with the box of gold quhairin the same is inclosed, having ingraven upon it the armes of the saids Estaits: thairfoir, for ourselfe and as administrator to our said darrest son the Prince, [we] exoner, quyteclame, and simpliciter discharge the said George, Erle of Dunbar, his heirs, executors, and assignays, of the said letter of gift of the yearly annuity forsaid, under the grite seale of the saids Estaits, and of the box of gold quhairin the same is inclosed, for now and ever. And, for his better securitie, we are content and consent, and by the tennor heirof comand, Sir Thomas Hamiltoun of Monkland, knycht, our Advocat, to compeir befoir the Lords of our Secret Councill of Scotland, and consent to the registration heirof in thair Books and Registre *ad futuram rei memoriam*. In witness quhairof we have signed these presents with our hand. Lyke as the said Sir David Murray, in toaken of his receapt of the said letter of gift and goldin box, hes subscryvit these with his hand. Written be Mr Alexander Craig, servitor to the said George, Earle of Dunbar, att our Pallace of Whytehall the 7th day of Appryll the year of God 1606 years, befoir thir witnessis: David, Lord Scoon, comptroller, Sir Thomas Hamilton of Monkland, knycht, advocat to his Majestie, Gilbert Prymrose, his Hienes chirurgian, Robert Jowsie, and Mr Alexander Hay. —*Sic subscribitur*, D. Murray; D. Scone, witnes, Sir T. Hamilton, witnes, A. Hay, witnes."

[Master of Requests.] Mark, Earle of Louthian, demitts the office of Master of Requeists in favours of Sir Robert Kerr, Master of Louthiane, his eldest son.[1]

[1] THE RED PARLIAMENT OF PERTH (see *ante*, p. 219–221, footnote) had concluded its sittings on this day, 11th July 1606, by passing 102 Acts which had been prepared for it by the Lords of the Articles. See the entire mass in *Acta Parl. Scot.*, iv., 281–363. Among the

Sederunts. Fol. 47, b.

Sederunt—Elphingstoun; Balmerinoch; Roxburgh; Dunkeld; Halirudhous; Master of Elphinstoun; Privy Seal; Justice Clerk; Collector; Master of Requests; Quhittinghame; Cranstounriddell; Conservator; Sir Johnne Arnott. Edinburgh, 31st July.

Haddington MS. Excerpts. Fol. 354, a.

In ane action persewed be Eduard and Thomas Nisbettis aganis Michael Lathrisk and David Chrystie for breaking the assurance tane betuix [Breaker of verball assurance [Michael Lathrisk] declairit infamous.]

most interesting historically of the miscellaneous Acts are three relating to the Earl of Dunbar, one of them entitled *Ratificatioun in favouris of the Erle of Dunbar of the Erldome of Dunbar and utheris landis.* They illustrate the enormous importance at this time of that recently created Earl of Dunbar, previously known to us as Sir George Home of Spott, who, since the Union of the Crowns, had been the chief messenger of his Majesty's will between England and Scotland, and to whom the management of this Parliament had been entrusted. It is for its legislation in ecclesiastical matters, however, that THE RED PARLIAMENT OF PERTH, so managed by the Earl of Dunbar, is principally memorable. The very first of its Acts was one *Anent the Kingis Majesteis Prerogative.* After a preamble of the most extraordinary eulogy on King James personally, it ratified and established for ever in Scotland the principle of his royal supremacy "over all estaittis, persones, and caussis quhatsumever," and repealed and rescinded all previous Acts in derogation of that principle. The second Act was one *Anent the Restitutioun of the Estate of Bischoppis.* Beginning by declaring that the fundamental constitution of the ancient body-politic of Scotland had been "greatumlie imparit and almost subvertit by the indirect abolischeing of the Estait of Bischoppis by the Act of Annexation of the Temporalitie of Benefices to the Crowne, maid in his Hienes Parliament haldin at Edinburgh in the moneth of Julii the yeir of God I^m v^c lxxx vii," and adding an expression of his Majesty's desire, with the consent of his Parliament, "to repone, restoir, and redintegrat the said Estait of Bischoppis to thair ancient and accustomed honour, digniteis, prerogatives, privilegis, levingis, landis, teyndis, rentis, thriddis, and estait, as the samyn wes in the Reformit Kirk maist ample and frie at ony time befoir the Act of Annexation foresaid," it repealed and rescinded, with certain reserves and exceptions, the said Act and all Acts thereon depending, "to the effect the persones presentlie provydit to the bischoprikis of Scotland, or ony of thame, or that sall heireftir be provydit to the samyn, may frelie, quietlie, and peciablie injoy, bruik, and posses the honours, digniteis, privileges, and prerogatives competent to thame or thair estait sen the Reformatioun of the Religioun, and all touris, fortalices, landis, kirkis, teyndis, rentis, twa pairt thriddis, patronages and richtis quhatsumever, belanging to the saidis bischoprikis or ony of thame." There were some other Acts of ecclesiastical significance, either in supplement to this general Act, or counterbalancing it by confirming temporal lordships already formed out of the old Church lands, or erecting similar new lordships.—Altogether, the effect of the legislation of this Parliament was to advance the position of Episcopacy in Scotland by a most considerable step, and greatly to increase the social importance of those clergymen who were already at that moment titular Scottish Bishops. These, it may be well to note at this point, were ten in number: viz. George Gledstanes, formerly parish minister in St Andrews, promoted to the bishopric of Caithness in 1600, and now Archbishop of St Andrews; John Spotswood, formerly parish minister of Calder in Midlothian, Archbishop of Glasgow since 1603; Peter Blackburn, formerly one of the ministers of Aberdeen, Bishop of Aberdeen since 1603; Alexander Forbes, formerly parish minister of Fettercairn, now bishop of Caithness; George Graham, formerly parish minister of Scone, now Bishop of Dunblane; Alexander Douglas, formerly minister of Elgin, now Bishop of Moray; James Law, formerly minister of Kirkliston, now Bishop of Orkney; David Lindsay, formerly minister of Leith, Bishop of Ross since 1600; Gavin Hamilton, formerly minister of Hamilton, now Bishop of Galloway; and Andrew Knox, formerly minister of Paisley, now Bishop of the Isles. All bishops by title since the dates of their appointments (most of which were quite recent), these ten, though grudged the title by their Presbyterian brethren, and subject to censure and review by these brethren in their ordinary courts and synods, and with hardly any of the diocesan authority corresponding to their names, were yet already, by the mere use and wont of several past years, invested with something like real prelatic distinction. Three of them were of the Privy Council; some of them had sat in recent Parliaments;

thame be the bailyies of Dysert, the pairties compeirand, David Chrystie wes assoilyiet, and Michaell Lathreisk declairit infamous and perjurit for violating the verball assurance tane betuix the saidis pairties be the minister and bailyies of Dysert, be provocation maid be the said Michaell of the said Thomas to the combat, and geving be his outragious langage occasion of the combat and bludsched whilk fell furth amangis the saids parties: for the whilk he wes convict in ane bludwite be the saidis bailyies of Dysert. Haddington MS. Excerpts. Fol. 354, b.

Chairges [to the Lairds of Corsindae and Monymusk] to repaire in sober and peceabill maner to ane court of perambulation.

Chairgis aganis Corsindae and Monimusk to repaire in quyet and peaceabill maner to the court of perambulation to be haldin betuix thame, ilk ane of thame accumpaniet with ten or tuell at the moniest, without any uther waponis bot thair swords, and that thay mak na convocation, troubill, or provocation, &c., under the payne of rebellion.

[John Farquharson in Invercauld.]

John Farquharson in Invercald and his associats being persewed by George Ramsay of Bamffe for having robbed fra him certane kyne and oxen, they got a suspension. Skene Abridgment.

nine of them had attended the opening of this Parliament in great state, riding next to the earls, "clothed in silke and velvet, with their foote mantles,"—Mr Peter Blackburn, Bishop of Aberdeen, who declined this honour as "not becoming the simplicitie of a minister," losing his seat for his singularity. But, by the legislation of this Parliament, the Bishops, though yet without full episcopal powers within the Kirk itself, were raised so much higher in the community that these powers could hardly fail to be theirs soon. Save that the bishoprics of Brechin, Dunkeld, and Argyle were still held by lay possessors, Scotland was now provided with the complete personal staff required for the reappearance of her old Episcopate of the two archbishoprics and the eleven bishoprics; and negotiations were already on foot for buying Mr Peter Rollok, the lay holder of the bishopric of Dunkeld, out of that dignity, and appointing a proper clerical successor.—What an impression was made on the Scottish mind at the time by the proceedings of THE RED PARLIAMENT OF PERTH can be adequately learnt only from the contemporary historians. On the one side see Spotswood (p. 496); on the other, James Melville's *Autobiography and Diary* (Wodrow Society edition, pp. 636–641), and, still more at large, Calderwood (vi. 485–551). Besides giving a number of relative details and documents, Calderwood quotes specimens of the sonnets and other verses of Presbyterian lamentation called forth by the restitution of the Episcopate.—As might be supposed, it had not been without vehement opposition on the part of the Presbyterian clergy that the Parliament had passed their ecclesiastical Acts. Andrew Melville, James Melville, and about forty other zealous Presbyterian ministers from different parts of the country, were in Perth through the whole time of the Parliament, holding anxious consultation among themselves, sending in papers to the Estates collectively or severally, petitioning to be heard by the Lords of the Articles, and the like; and, when all had failed, Andrew Melville, as the leader, contrived somehow, with his accustomed boldness, to be present in the Parliament on their last and most solemn day of meeting, and to leave his parting protest. "Hardly getting in," says his nephew, "how soone he stude up in oppin sycht he was espeyit, and sent to and commandit to depart; quhilk, nevertheless, he did not till he had maid all that saw and hard him to understand his purpose."—The sole chance now of any modification of the King's ecclesiastical policy in Scotland, as declared in the Perth Parliament, lay in the issue of that personal conference with his Majesty in England to which the two Melvilles, with six other ministers, had been summoned on the Presbyterian side, while several of the Scottish bishops were to be present on the other (*ante*, p. 218–221 and footnote). Foreseeing that the journey would be useless, the eight ministers would fain have remained at home; but, as the King's command was peremptory, and as the Earl of Dunbar, with whom James Melville was on terms of private intimacy, hinted that possibly his Majesty might still be influenced on some points, they resolved to go. There was to be further consultation with their brethren before they did go; and they were not to go in any representative capacity, but merely as individuals.

Skene Abridgment.

The Councill gives commission to James, Lord Balmerino, president, Walter, Lord Blantyre, John, Bischop of the Isles, John, Lord Holyroodhous, Sir Thomas Hamilton of Monkland, knycht, advocat, Mr John Preston of Pennycuike, collector generall, and Sir John Skein of Curriehill, registre, to meit with David, Lord Scone, comptroller, and hear the offers made by the inhabitants of the Isles and Highlands anent thair obedience and suirtie for his Majesties rents. [Anent the Highlands and Isles.]

"Anent our Soveraine Lords letters raised at the instance of the gentlemen venturaris in the conqueist of the Lewis, makand mention that, quhair it is not unknawn to the Lords of Secret Councill how that, they haveing interprysit the conqueist of the Lewis and reduceing of that rebellious and disobedient cuntrey to his Majesties obedience, and having, with grite charges, perrell and hazard, be the assistance of his Majesties forces, possesst thaimselfis of that cuntrey, of purpose to have plantit the same with a number of civile, peaceable and ansuerable subjects, artizens and trafficquers, and to have establishit religion, policie and justice within the same, that by thair guid example the gentlemen of the Iles mycht have bein drawn to some conformitie and obedience, they wer under trust and assurance; quhairin as thai expectit no violence nor harme, not only [were they] invadit and persewit within thair camp and grite slaughter comittit upon thaim, but in end the saids compleiners were altogidder expellit out of the Lewis, and the saids rebellious theives and lymmers of new possest thaimselfis thairwith. Quhich thai bruikit, mantenit, and withheld fra the saids complaners, quhill now of laite that, his Majestie finding it a matter twitching his Hienes in honour that sic ane infamous byke of lawles lymmaris sould be sufferit within ony pairt of his Hienes dominions, his Majestie thairfoir, be his Hienes own forces, power and shipping, hes of new possest the saids complaners in the said cuntrey. And, albeit a number of the puir inhabitants thairof and labourars of the ground hes verie glaidlie and willinglie submittit thaimselfis, and wald faine relieve thaimselfis of the tirrany and oppression of the saids lymmaris, yit it is of trewth that thair is a grite number of others persons within the Lewis,—as namelie Neil and Gillicallum M^cRorie M^cLeods, Donald Cro Macoull, Donald M^cCorlie Houll, John Mor Calum Van, Coul Moir, Donald Dow M^cCoull M^cGillicallum M^cHendako, Mirriquhy, Johne, and Donald Auld, Johne M^cCoulis 3 sones, Johne M^cInnesketh Tormet, Donald M^cTormeitt Heane Vane, Inness M^cInnes, Callum M^cInnes, Thouarkin M^cFaik, Mirrachie Breganin, Donald Yell, Donald Reach, Mirrachie Reach, his sone, John Dowe, his son, Gillecallum M^cLierraquhie, Tormond M^cGillicallum Moir, John M^cConneill Vaine, Tormond Baine, Rorie M^cConneill Vaine, Allaster M^cConneille Vaine, Johne M^cGillicallum Reach, John M^cCane Chalich, Murruquhy M^cConneill Coulier, Donald M^cGillicallum M^cKean, Findla M^cEan Couell V^cRegilleoch, Gille Genach M^cNicht, Lauchlan Dunnivie, M^cInness Kinnichrie, John M^cGillicallum, M^cLirae M^cConoquhy Moir, M^cGillicallum M^cConniell, Gilliehaddum M^cContagit, John Dow M^cInness Dowach, Murruquhin M^cDurecle, Dougald Baine The gentlemen venturaris of the Lewis contra certane Lewis men.

M^cConnoquhy, Johne M^cDurcle, Toramond M^cDurcle, Gallicallum M^cConneill M^cTagit, Duncane Dow, John M^cDurcle, and John M^cCallum Rorie, and uthers persons,—hes resolved, consyned, and avowed to mantayne so far as in thaim lyes publict weir against the saids complaners, and to procure thair disquiet and trouble. And, for that effect, thai [not only] remaine within the Isles against the saids complaners will, assailzies and persews the poor cuntrey people quha hes submittit thaimselfis to the saids complaners, compells thaim aither to renunce thair obedience to the saids complaners and to participat with thaim in thair rebellion or then threatens thaim with all kynd of crueltie and tyrannie; but also they bussie thaimselve to associat to themselves the haill broken theives and lymmars of the Isles, [and] hes a frequent intelligence with thaim, awaiting the occassion to bring them within the Isles and be oppen hostilitie to invade the said compleaners to ther heavie hurt and prejudice.—And anent the charge, &c., the Lords ordaines letters to be direct to officiers of armes, schereffes in that pairt, to denunce the saids Neill and Gillicallum M^cRorie, M^cLeods, Donald M^cCrommacoul, and remanent defenders forsaids, rebells, and put them to the horne, and to escheat, &c." Skene Abridgment.

Proclamation anent Glasgow [where there have been recent tumults between the citizens and the magistrates].

"Forsamekill as, albeit thair hes bein mony guid Acts of Parliament made be the Kings Majestie and his most noble progenitors of worthie memorie anent the modest, guid and peaceable behaviour of the inhabitants within burgh, and anent the staying of all tumults and unlawfull meittings and convocations within the same, quhairby it is expresly prohibite and forbidden that all maner of persons within burgh, of quhatsumever rank, qualitie or condition thai be of, presume or take upon hand, under quhatsumever cullor or pretext, to convein or assemble thaimselfis togidder upon any occasion, except thai make due intimation of the lawfull causes of thair meittings to the provost and baillies of the burgh and obtein thair licence thairto, and that nothing salbe done be thaim in thair saids meittings quhilks may tend to the derogation or violation of the Acts of Parliament, lawis and constitutions made for the wele and quietnes of the said burghs; lyke as the saids unlawfull meittings, and the persons present thereat, are by the saids Acts of Parliament declairit to be factious and seditious, and all thair proceidings thairin to be null and of non availl, and the saids persons ordained to be punished in thair bodyes and gear with all rigour, as in the said Acts of Parliament; conteineing mony uthers claussis and conditions anent the repressing of the saids tumults and unlawfull meitings, at lenth is conteined. Notwithstanding quhairof, the Lords of Secret Councill are suirely informit that thair is a very grite trouble and unquietnes laitlie fallen out within the citie of Glasgow, by the procurement of a number of factious, seditious, and unquiet spiritis within the same; quho not contenting thaimselfis to live in that unitie and conformitie quhilk becometh modest and peaceable citizens under the obedience of our Soveraine Lord and his Hienes officiars and magistrats placeit to bear reule over thaim, thai have raisit ane faction within the said citie against the saids magistrats, and keips

Skene Abridgment.

unlawfull conventicles and meittings at thair pleasure, and hes made and subscryvit bands for disturbing of the present governament and estaite of the said citie; and in end thai haife sa far gone fordward in thair factious and seditious proceidings as, shaiking off all feir of the law, reverence of the Prince, and regaird of modestie, they have maist tumultuouslie and seditiouslie rissen in armes against thair saids magistrats, and invadit and persewed thaim of thair lyves,—a thing very undecent and unseamlie and without ony preceiding example in ony burgh within this kingdome; quhairthrow the publict peace and tranquillitie of the saids citie is very far disturbit, the authoritie of the lawfull magistrats contempnit, and mony inconvenientis are lyke to fall out to the hurt of the said citie, without remeid be provydit. Therfoir the Lords of Secret Councill ordains letters to be direct charging officers of armes to pass to the mercate [? cross] of Glasgow, and thair be open proclamatione to comand and charge the haill inhabitants of the said citie to lay asyde thair armour immediatelie after the publicatione heirof, conteyne thaimselfis in quietnes, and behave thaim as modest, quiet, and peaceable citizens, forbearing to convocat or assemble upon ony occasion thaimselfis togidder fra this tyme furth, under quhatsumever cullour or pretext, without the knawledge, consent, and licence of the saids magistrats, nor yit to do, practize, nor attempt anything hurtfull or prejudiciall to the saids Acts of Parliament, lawis, and constitutions of the said citie: certifying thaim that sall do in the contrair that thai salbe repute, haldin, esteimit, persewit, and punisht as factious and seditious persons, perturbers of the peace and quiet of the said citie, with all rigour and extreamitie, conforme to his Hienes laws and Acts of Parliament made thairanent. And, in caice ony sic meittings or unlawfull conventions be espyed to be halden without the knawledge and allowance of the magistrats, or ony tumult shall happen to fall out within the said citie heirafter, to comand and charge the haill magistrates within the same to convocat and assist with the magistrats and officiers of the said citie, alsweill to take and apprehend the tumultuous persons assembled in maner forsaid, to the effect thai may receave thair dew punishment according to the saids Acts, as for repressing and quieting of the saids tumults, under the pain to be repute, halden and estemit as fosterers and manteyners of the saids tumults and unlawfull meittings, and to be punisht thairfoir in thair persons, and unlawit in thair guids, at the arbitriment of the magistrats and councill of the said citie."

Edinburgh, 7th August.[1]

Sederunt—Alexander, Earl of Dunfermling, Chancellor; Johnne, Earl of Mar; Mark, Earl of Loutheane; Alexander, Lord Elphinstoun; James, Lord of Balmerinoch; David, Lord of Scone; Robert, Master of Lotheane; Alexander, Master of Elphinstoun; David, Bishop of Ros; Petir, Bishop of Dunkeld; Johnne, Commendator of Halirudhous; Murdocairny; Bruntiland; Privy Seal; Justice Clerk; Collector; Advocate; Cranstounriddell; Quhittinghame; Clerk of Register; Sir Johnne Arnot; Conservator. Acta 1606–7. Page 1.

Order in the matter of the feud between Lord Roxburgh and Sir Robert Ker of Ancrum.

There being "ane deidlie feid and inimitie" standing between Robert, Lord of Roxburgh, on the one part, and Sir Robert Ker of Ancrum, William and Thomas Keris, his brothers, and William Ker, sometime of Snadoun, on the other part, charge had been given to them to appear this day and to "submit their said feid to newtrall and indifferent freindis to be nominat be thame," conform to the Act of Convocation of Estates (*Acts of Parl.* iv. p. 158). Both parties appearing, and Sir Robert Ker, for himself and his said friends, having craved that some reasonable time should be granted for consultation in the matter, the Lords, with consent of both parties, assign the first Thursday after Martinmas next for their new compearance, and both parties consent that the assurance between them shall endure till Candlemas next. Page 2.

To denounce William Prattus for not answering to a charge of assault.

William Prattus, son of William Prattus, elder, in Dunfermling, having failed to appear this day, as charged, before the Lord High Chancellor of Scotland, to answer for wounding Johnne Andirsoun, elder, bailie of the said burgh, upon 5th August, is to be denounced rebel.

Proclamation for convening the commissioners appointed for modifying ministers' stipends.

Commission having been given in the last session of Parliament to certain of the nobility, clergy, and others to "modifie competent stipendis" for the ministers serving at the kirks of such prelacies as were erected at the said Parliament, with the yearly duty to be paid to his Majesty furth of the said erections (1606, c. 23, iv. 300), there is order to the said commissioners to meet in Edinburgh upon 1st November next to that effect, and for proclamation accordingly at the market cross of Edinburgh.

[1] At this point the hiatus of three years and five months, or from February 28, 1603, to August 7, 1606, in the preserved original minutes of the Council (see Introd. to vol. vi. pp. v–vi) ends. Henceforth, accordingly, we are done with the various authorities—*The Haddington MS. Excerpts*, *The Skene Abridgment*, &c.—whence the matter has been derived for filling up that hiatus (see same Introd., pp. vi–ix, and Introd. to the present volume), and resume our editing of the original Register of the Acta.—The 5th of August had been the appointed anniversary of thanksgiving for the King's deliverance from the Gowrie Conspiracy; and that it had been celebrated as usual in Scotland appears from a letter to the King from Chancellor Dunfermline, dated the 6th. "Yesterday, in great zealle and affectioun," he says, "we haiff all celebrat the blessed memorie of your Majestieis happie delyverie from the traitor Gowreis treacherous and devilische conspiracie, acknawledgeing all thairin the saiftie, preservatioun, and greatest evidents of Goddis providence and favourable eyes upon this Iland, Empire, and Cowmounwealthe, that eiver has been schawin" (*Memoir of Alexander Seton, Earl of Dunfermline*, by George Seton, Advocate).

Acta 1606-7.

Page 3.

Complaint by Cuthbert Craufurd in Nether Crawmond, and Jonet Cauldwell, his spouse, that, upon 21st June last, while they were "upoun the feildis doing thair lesum adois and na personis at hame," Johnne Dalzell in Nether Crawmond, accompanied by Thomas and Johnne Stewartis, brothers, in Nether Crawmond, came to their dwelling house, hounded out by Johnne Mowbray of Croftangrie, broke up the doors, destroyed a great quantity of their insight, mellit with the rest, and set themselves down in the said house, thus ejecting complainers and their family, and causing them to lie out four or five nights.—The complainers appearing, but not Johnne Dalzell, the only one of the defenders cited, he is to be committed to ward in the tolbooth of Edinburgh.

Cuthbert Crawford and his spouse against John Dalzell for oppression.

Many of the Commissioners of the "Platt for the modificatioun of the ministeris stipendis" having been "appointit to repair towardis his Majestie about the begynning of September nixt, quhairthrow they wilbe distracted fra attendance and awaitting upon the said platt," the convention of the said commissioners is continued to 20th November next, and proclamation accordingly is ordered at the market cross of Edinburgh.[1]

Edinburgh, 8th August. Meeting of the Commissioners for ministers' stipends prorogated to 20th November.

Page 4.

There being "some variance and contraversie" between George, Earl of Caithnes, and Alexander, Earl of Sutherland, both parties are to be ordained to subscribe, under pain of rebellion, within 12 hours after being charged, such form of assurance as shall be presented to them, to indure till 1st August 1607.

Charge for assurances between Earls of Caithness and Sutherland.

Sederunt—Chancellor; Orknay; Dumbar; Wigtoun; Lowtheane; Tullibardin; Master of Lowtheane; Master of Montrois; Lowdoun; Balmerinoch; Scone; Bishop of Ros; Bishop of Dunkeld; Halyruidhouse; Justice Clerk; Privy Seal; Advocate; Collector; Kilsyth.

Edinburgh, 9th August.

Order to change the ward of the Lairds of Mynto, elder and younger, from the Castle of Dunbartane to the town of Stirling, where they are to remain under caution to keep the King's peace, the former in £5000 and the latter in 5000 merks. The ward of Sir George Elphingstoun and James Forret to be changed from the Castle of Glasgow to the burgh of Striveling, under similar cautions, the former in 5000 merks and the latter in £1000. The 26th instant appointed for the meeting of the Council at Striveling "to tak tryell in this commotioun of Glasgow." The Lords having heard the report made by Johnne, Earl of Wigtoun, Johnne, Master of Montrois, and Levingstoun of Kilsyth, touching the means they had taken for pacifying the "trouble and commotioun" between the Lairds of Minto, elder and younger, and Sir George Elphingstoun of Blythiswode, by warding of the principal parties on either side, approve of the same.

Ward of the Lairds of Minto changed from Dumbarton to Stirling. Ward of Sir George Elphinston and James Forret changed from Glasgow to Stirling. Council to meet at Stirling. Approbation of the proceedings of the Earl of Wigtown and others at Glasgow.

Page 5.

The Act of Convention of Estates for removing of feuds (1598, c. 1, iv.

Charge to the Earls of Glencairn and

[1] See *ante*, pp. 220-221, footnote, and p. 232.

Eglinton, with certain of their friends, to appear before the Council at Stirling in order to the settling of the feud between them.

p. 158) not having yet, by reason of the minority of the Earl of Eglingtoun, been applied in the quarrel between him and Robert, Lord Semple, on the one side, and James, Earl of Glencairne, and his friends, on the other side, there is order to charge the Earl of Eglintoun, Lord Semple, Robert Mure of Cauldwell, Robert Montgomerie of Skelmourlie, Sir Neill Montgomerie of Langschaw, Montgomerie of Braidstane, [Robert] Montgomerie of Hessilheid, on the one part, to appear before the Lords of Secret Council at Stirling upon 26th instant, and James, Earl of Glencairne, Johnne Cunynghame, his brother, [Sir David] Cunynghame of Robertland, Patrick and Williame Cunynghames of Aiket, Alexander Cunynghame of Tourlandis, Robert Boyd of Clerkland, [Andro Arnot,] younger of Lochrig, Patrik Maxwell of Newark, David and Johnne Maxwellis, his brothers, Thomas Cunynghame, servitor to the Laird of Robertland, Abrahame Cunynghame, Mungo Mure, brother of the Laird of Cauldwell, [Alexander] Cunynghame of Corshill, Patrik Cunynghame of Bordland, James Cunynghame of Montgrenane, son of the late abbot of Kilwyning, on the other part, to appear before them at Striveling upon 25th instant, both parties to be accompanied by those of their friends whose advice they will use in the matter, but neither by more than 40 persons. They are to come in peaceable maner, without arms, except their swords, and to remain in their lodgings till the Council direct some of their number to convoy them to the Council house. The provost and bailies of Striveling are to be charged "to caus attendance be gevin quhen the saidis pairteis comes to thair toun, and to appoint ane guaird to keip thair ludgeingis and to debar thame fra resorting furth thairof." Acta 1606-7 Page 6.

Charge for assurance among certain Maxwells.

A deadly feud having continued these many years between Edward Maxwell, elder of Tynwall, William, Harbert, and Edward Maxwellis, his sons, on the one part, and George Maxwell of Drumcoltraine, Robert, Alexander, and William Maxwellis, his brothers, on the other part, and slaughter having been committed on both sides, both parties are to appear before the Council on and submit their quarrel to neutral friends to be chosen by them, conform to the Act.

Charge to certain inhabitants of Glasgow to answer for the late trouble fallen out in that city.

A "very grite trouble and commotioun" having been raised in Glasgow in July last by Sir Mathew Stewart of Minto, Sir Walter Stewart, his son, James Braidwode, Niniane Andirsoun, William Mure, James Lichtbody, Thomas Fawsyde, Archibald Patirsoun, Alexander Cauldwell, Johnne Andirsoun, Mr Johnne Ros, James Stewart, Williame Symmer, James Fischer, Symone Stewart, Johnne Fleming, Thomas Kincaid, Andro Symmer, Andro Stark, Alexander Stewart, William Stobo, and Johnne Buntene, flesher, burgesses of Glasgow, Gabriell Corbet of Hardgray, and Robert Naper of Blakyairdis, on the one part, and Sir George Elphingstoun of Blythiswode, James and Mr Johnne Elphingstonis, his brothers, James Forrett, Archibald Mure, and some of their accomplices, on the other side,—who, forgetful of the presence of certain of the honourable Privy Council in the said city, had assaulted one another, with the effect of disturbing the public peace of the city and dividing the Page 7.

Acta 1606-7.

same into two factions,—the Lords ordain both parties to appear before them at Striveling on 26th instant to answer in the premisses, under pain of rebellion. Such of the persons, however, as are now in ward are not to come furth therefrom till they may conveniently repair to the said burgh.

Charge to certain inhabitants of Glasgow to enter in ward in the towns of Perth and Dundee for their factious and seditious conduct.

As there is a number of "factious, seditious, and unquiet personis within the citie of Glasgow" who, "not contenting thamselffis to live in that christeane and godlie harmony quhilk becometh peciable and dewtifull citizens," have of late "raisit a verie grite factioun within the said citie, keipis unlauchfull conventicles, assembleis, and meittingis within the same at thair pleasour, hes maid and subscryvit bandis aganis thair magistratis for disturbance of the present governament and estaite of the said citie, and in end hes sa fer proceidit in thair factious and tumultous behaviour as, schaiking af all feir of the law, reverence of the Prince, and regaird of modestie, they have laitlie, upoun the day of last, maist seditiouslie and tumultouslie rissin in airmes aganis thair saidis magistrattis and persewit thame of thair lyveis, disdaning and misregairding the authoritie and commandiementis of some of his Majesteis honnourable Prevey Counsale quho wer present in the said citie for the tyme, and be thair pouer and forceis withstude and resisted the insolent attemptis of the saidis personis,"—among whom are named James Braidwode and his accomplices specified in last Act, with the
Page 8.
omission of the Lairds of Minto, elder and younger,—therefore the Lords ordain Brydwode, Andirsone (Niniane and Johnne), Mure, Fawsyde, Patirsoun, Cauldwell, Ros, and Stewart to enter in ward in the burgh of Perth, and the others named in the burgh of Dundie, all within four days after the charge, and to remain in ward till relieved by the said Lords, under pain of rebellion. Under the same pain, they are to find caution, each in £200, within six days after the charge, to keep their said wards.

Edinburgh, 22nd August. Diet of Council appointed at Stirling to be held at Linlithgow, because of the plague in Stirling: Orders thereanent to the magistrates of Linlithgow.

Because of the "plague of pestilence" in the burgh of Striveling, the diet of Council appointed to be held there on 26th instant (*ante*, p. 233) is to be kept at Linlithqu that same day; and, because the Earls of Eglintoun and Glencairne, and Lord Semple, with some of their friends, have been charged to appear before the Council that day for settling their "variance and contraversie," there is order to the provost and bailies of Linlithqu to keep guard in their town while the Council is there, and to command any of the persons foresaid who may come thither immediately to repair to their lodgings, and to appoint a sufficient guard on these lodgings, so that none of them may come furth or walk upon the street till they are sent for by the Council.

Linlithgow, 26th August.[1]

Sederunt—Commissioner; Chancellor; Marquis of Hammiltoun; Linlithqu; Dumbar; Wigtoun; Kinghorne; Abircorne; Low-

[1] On the day preceding this, 25th August 1606, four of the eight Scottish Presbyterian clergymen who had been sent for by the King (*ante*, p. 220, footnote, and p. 228, footnote),—viz., Mr Andrew Melville, his nephew Mr James Melville, Mr William Scot, minister of

theane; Tullibardin; Lindsay; Uchiltrie; Elphingstoun; Low- Acta 1606-7.
doun; Balmerinoch; Scone; Bishop of Dunkeld; Halyruid-
hous; Master of Montrois; Master of Lowtheane; Master of
Elphingstoun; Privy Seal; Justice Clerk; Advocate; Collector;
Sir Robert Melvill, younger; Clerk of Register.

Decree against John Hamilton for lying at the horn for debt.

Complaint by Walter Colquhoun of Kilmerdony that Johnne Hammiltoun Page 9.
of Blair, who had been put to the horn upon 30th September 1605 for not paying the pursuer 160 merks as principal, with £20 for expenses, still remains unrelaxed.—Complainer appearing, but not the defender, the Captain of the Guard is to apprehend and enter defender, seize his houses, and inventory his goods for his Majesty's use.

Decree against Robert Stewart for the same.

Complaint by Sir William Grahame of Braco, and dame Margaret Keith, his spouse, that Robert Stewart, one of the ordinary macers of the Council, who was put to the horn upon 15th instant for not paying them £1000 as principal, with 300 merks for expenses, remains unrelaxed.—Complainers Page 10.
appearing by Robert Malcolme, their procurator, there is decree as in last Act against the defender for non-appearance.

Decree against John Houston for the same.

Complaint by Elizabeth Sandielandis, lawful daughter of the late Sir James Sandielandis of Calder and dame Jeane Ros his spouse, and Johne Mowbray, son of the late Johnne Mowbray of Barnebougill, her spouse, that Johnne Howstoun of Leny remains at the horn, to which he had been put on 22nd instant for not paying them 1000 merks as principal, with the byrun annuals thereof unpaid since 24th June 1601, the date of the contract between Harie Stewart of Cragyhall and the said dame Jeane Ros on the one part and complainers on the other part.—Mowbray appearing for himself and his spouse, decree as in last Act is given Page 11.
against the defender for non-appearance.

Decree against Patrick Knox for the same.

Complaint by Johnne Tailyeoure, younger, merchant, burgess of Edinburgh, that Patrik Knox in Duns remains at the horn, to which he had been put upon 31st July for not paying complainer £144 as principal

Cupar, and Mr John Carmichael, minister of Kilconquhar,—had arrived in London. They had gone by sea, having embarked at Anstruther on the 15th of August. The other four,—viz. Mr William Watson of Bruntisland, Mr James Balfour of Edinburgh, Mr Adam Colt of Musselburgh, and Mr Robert Wallace of Tranent,—went by land, and were in London before the end of the month. From this point, accordingly, there have to be imagined those adventures of the eight, and especially of the two Melvilles, in London and its vicinity,—including their conferences and debates in the interest of the Presbytery, apart or in the King's presence, with the English prelates and councillors, and with the two Scottish Archbishops, Gledstanes and Spotswood, the Bishops of Orkney and Galloway, and others of the same party, who had also been brought south for the purpose,—the narrative of which may be read in James Melville's *Diary* (Wodrow Society's Edition, pp. 644, *et. seq.*), Spotswood (496–500), Calderwood (vi. pp. 559, *et seq.*), or, in most succinct and interesting form, in M'Crie's *Life of Andrew Melville*.—The Melvilles and their colleagues in the mission expected to be back in Scotland within a month or two; but, as far as the Melvilles were concerned, it was to turn out differently. Andrew Melville, in fact, had seen Scotland for the last time; and the remaining sixteen years of his life were to be spent in prison in London or in exile abroad. Not much more favour was to be shown to James Melville. He was to be detained in England, in one town or another, all the rest of his life.

Acta 1606-7. and £30 for expenses.—Complainer appearing by Robert Fortoun, his procurator, there is decree as in last Act against defender for non-appearance.

Decree against William Rhind of Kerse and others for the same.

Complaint by Johnne Ogilvy of Drummethy, and Helene Wischert, his spouse, that William Rynd of Kers, Johnne Rynd, his son, and William Carmichaell, burgess of Dundie, who had been put to the horn upon 27th
Page 12. March 1604 for not paying complainers 500 merks as principal and £275 merks of bygone profit, together with 100 merks for expenses, remain unrelaxed, and that the said William Rynd, who had been also put to the horn for not paying them 500 merks as principal and £160 for expenses, remains unrelaxed from that horning.—Ogilvy appearing for himself and spouse, decree as in last Act is given against defenders for non-appearance.

Decree against the same William Rhind of Kerse for lying at the horn for another debt.

Complaint by David Ogilvy of Kilruiffis, and Grissell Andirsoun, his spouse, against the same Williame Rynd of Kers for remaining at the horn, to which he had been denounced upon 1st August 1601 for not redeeming from them an annualrent of 25 merks yearly furth of the
Page 13. lands of Kers by paying them 250 merks, with £20 for expenses.—Complainers appearing by Johnne Ogilvy of Drummethy, decree as in last Act is given against defender.

Decree for Bessie Miller and others against Jock Armstrong and a number of other rebels for not answering to the pursuers' charge of spuilyie and slaughter against them.

Complaint by Bessie Myllair, relict of Johnne Lindsay of Carsrig, Thomas Lindsay, burgess of Edinburgh, his brother, Barnard Lindsay in Grange, near kinsman of the said late Johne, and James Tyntok, brother of the late Edward Tyntok, as follows :—Jok Armestrang of Barnegleis, Jok Betie there, Johnne Armestrang there, Androw Carutheris there, Carutheris, his brother, William Mader there, Johne Mader there, Androw Mader there, Jok Irwing there, William Wilsone, called Inglis Willie, there, George Irwing, called Gibb's George, Frances Irwing, his son, Robert Grahame in Bordland in Dryiff, Jok Irwing in Stankheuch, Cristie Armestrang, his brother, Jok Bell, Jok Grahame in Cangis, Thome Grahame in Knothieholme, Jok Grahame in Cannabie, Cristie Batiesoun in Bankheid, William Johnnstoun in Cartertoun, Hobbie Johnnstoun in Crumyentoun, his brother, Syme Johnnstoun, his brother, Johnne Betiesoun of Rannaldburne, Little Thome Armestrang, son of David of Cannablie, George Bell, called Crudie, Johne Litle in Cartertounhill,
Page 14. Johnne Betie, son of Johnne of Crourie, Petir Grahame, son of Rob Grahame, James Grahame, his brother, Johnne Grahame, son of Petir Grahame in Conistoun, Johnne Betie, son of George Betie in Crusiedykis, David Litle in Quhissilgaillis, Andro Tagart in Crusiedykis, William Batie of Crourie in Crusiedykis, Jok Grahame, called Gall, in Craighauch, James Achesoun in Crusiedykis, David Clerk in Auchingavill, Edwart Hewatt there, Jok Grahame in Barnegleis, Cuddie Bell, son of Alexander Bell in Arkinholme, Androw Giffert, Johnne Armestrang, called Capilgill, Adie Irwing in Esdaill, William Armestrang in Sark, called Kynmonth, Cristie Armestrang in Barnegleis, Hector Armestrang in Harlaw, Andro Scot in Borthuikheid, William Scot, his brother, Cristie Armestrang in Auchingavill, David Clerk there, William Gibsoun there, William Arme-

strang there, Edwart Hewat there, George Armestrang there, Alexander Armestrang, his brother, there, William Armestrang, called the Coward, Jok Dowglas in Crowrie, Will Grahame, called Reid Will the Tailor, Jok Ewat there, Jok Betie there, Thome Bell, called Tweddell, Rob Grahame in Gillisbie, Johnne Millair in Longbegfurd, George Irwing in Cangis, and David Irwing, called the Cangis, had been put to the horn upon 24th May last in default of finding caution for their compearance before the justice to underlie the laws for coming in warlike maner to the lands of Hairtrie in September fifteen hundred and , and spuilying all the goods on the said lands belonging to the country people thereabout, and for the slaughter of the said Johnne Lindsay and Edward Tyntok, who defended the said goods. They still remain at the horn.—George Pringle appearing as procurator for the complainers, decree as in the last Act is given against the defenders for non-appearance. Acta 1606-7. Page 15.

Suspension of horning at the instance of the Duke of Lennox and the Earl of Mar against George Leslie, as chamberlain of the Abbey of Lindores.

Action by Ludovick, Duke of Lennox, and Johnne, Earl of Mar, collectors of the taxation of 100,000 merks, bearing that George Leslie of Wraith, having been charged in April last, as chamberlain of the abbey of Lundoris for the time, to pay them £574 for the tax of the said abbey, had obtained, for "certane favourable ressonis," letters from the Council suspending the said charge to a certain day long past, and that, as the suspension is yet uncalled, proceedings should be taken against him.—Pursuers appearing by Archibald Prymrois, and the defender personally, and the latter having produced the said letters of suspension, bearing that, before being charged for payment of the said tax, he had denuded himself of his office of chamberlain, and accounted for his intromission to dame Jeane Stewart, Lady Lundoris, as her acquittance dated 20th March last bears, and Prymrois having replied that he was chamberlain after the date of the said charge, and that the acquittance had been subscribed by the said Lady since the time of the charge, and these allegations having been denied by the defender on oath, the Lords confirm the suspension. Page 16.

Henry Sinclair to be warded for non-appearance to a charge of assault.

Complaint by Johne Bissett, tenant and servitor to dame Margaret Murray, Lady Furd, that, upon 25th July last, Henry Sinclair of Quhytkirk, with others, came at night to complainer's house in Pleasance, in the barony of Quhytkirk, broke up the doors thereof, cruelly invaded him with a drawn sword and whinger, and wounded him in the head and elsewhere, leaving him for dead.—Complainer appearing, but not the defender, the Lords hold defender as confessed, and ordain him to enter in ward in the Castle of Edinburgh within six hours after being charged, under pain of rebellion. Page 17.

Petition of Isobel Falconer, accused of witchcraft, that the sheriff depute of Berwick, who intends to try

Petition of Issobell Falconner in Aymouth, spouse of Patrick Sinclair there, and of her said husband for his interest, as follows:—"Some of hir unfreindis" having reported her to George Affleck of Cumlege, sheriff-depute of Beruik, as "suspect guiltie of witchcraft," he intends to try her by an assize for the said crime, and "undir the pretext of law to tak hir lyff." Now, she is "altogidder free and innocent of that foull cryme, and

Acta 1606–7. to this houre hes livit in a verie gude fame and reputatioun amang hir nychtbouris, unspotted or suspect of ony sic divilische and detestable cryme." Moreover, even if her accusers "mycht pretend some presumptioun aganis hir" yet "this is a verie heich cryme, in the tryall quhairof thair wald be [*i.e.* ought to be] men of judgment, learning, gude conscience, and experience, quha hes knawledge to discerne upoun everie point and circumstance of the dittay, and upoun sic doubtis and questionis as will result in sic ane tryall," whereas the said sheriff-depute, though "ane young gentilman of gude qualiteis and conditions," is not of "that aige and experience to cognosce upoun sa heich a cryme, and he will not faill, upon errour and ignorance, to proceid aganis the said complenair, Page 18. becaus in this particulair he is reullit be sic personis as ar the said complenairis deidlie enemeis." Further, "the personis quhome they mak choise of to be assisouris in sic crymes ar a company of unlearned and simple men, quha ar of opinioun that the simple name of a witche is sufficient to convict any persone of witchecraft, and nouthir knaw they the proper definitioun of witchecraft, and quhat may infer sic a cryme aganis ony persone, nor yit have they the knawlege to judge upoun sic reasonis and argumentis as ar proponit in the defence of a pairty challengit of sic a cryme." Hence, "it is a verie hard mater to hasard the lyff of ane innocent upoun the toung and deliverie of a nowmer of ignorant and unletterit men." In proof of her innocence, she has found caution to underlie the law in the tolbooth of Edinburgh when required upon 15th days' warning; and she prays that the said sheriff-depute may be discharged from all proceedings against her.—Sinclair appearing for his spouse, but the said sheriff-depute not appearing, the Lords grant the discharge petitioned for.

her, may be discharged from doing so, on the ground that he and the assizers are not fit persons for the trial of so high a crime. Decree in favour of the petitioner.

Page 19. An action having been before the Council between the provost, bailies, and council of Peblis, on the one part, and Johnne Hay of Smeyfeild, on the other, anent the building of a loft and seat in the Cross Kirk of Peblis, begun by the town council and stopped by Hay, the Lords remitted the matter for trial and report to the ministers of the presbytery of Peblis. The said presbytery, after hearing both parties, having found, as appears by their report dated 3rd April 1606, and subscribed by Gilbert Tailyeour, minister, clerk of the presbytery, that the town council "hes proceidit ordourlie to the making and setting up of thair dask and seat within thair said kirk," and that Hay "hes na forder libertie nor privilege within the said kirk nor ony uther gentilman of the cuntrey," and that the town need be required "onlie to gif him libertie to set up ane dask and seat within the said kirk in the first vacand and commodious place within the same," the Lords are now asked by the town Page 20. to approve of the said report.— Dikisoun, provost of Peblis, appearing for the town council, but Hay failing to appear, the Lords do ratify and approve the said report.

Question between the Town of Peebles and Hay of Smithfield as to the right to erect a loft and seat in the Cross Kirk of that burgh.

Anent the action *hinc inde* between James, Lord Hay of Yester, on the one side, and William Hay of Lumplum, and Mr William Hay, advocate,

Dispute between Lord Yester and

Hay of Limplum as to the right to erect seats in St Bathan's Kirk.

on the other side, as to the right to erect seats and desks in the aisle of the College Kirk of St Bothenis, called St Edmond's Aisle or the South Aisle, Lord Hay appearing by Mr George Butler, and the others personally, the Lords ordain both parties to desist from occupying the said aisle and building seats therein till the rights of both are decided by the judge ordinary. They also command both parties to remove the seats already erected by them in the said aisle. Acta 1605-6. Page 21.

Question of "nychtbourheid" between Mr John Hart, bailie of the Canongate, and Edmund Smith, tailor, burgess there.

Mr Johnne Hairt and Johnne Barclay, bailies of the Cannogait, appear and produce a decree given by Johnne Robertsoun, dean of guild, Richart Dobie, merchant, George Heriot, goldsmith, William Nicolsoun, tailor, and Johnne Symmervell, skinner, all of the guild council of Edinburgh, "in ane questioun of nychtbourheid" between Hairt and Edmond Smyth, tailor, burgess of the Cannogait, which had been remitted by the Privy Council to the said dean upon 7th August last. The decree, dated 14th instant, and subscribed by Mr Johnne Hay, clerk depute of the said dean, is to the effect that the easter gable of Hairt's tenement belongs to him, and that Smyth has done wrong in "theiking over" the said gable and "fixing of his garrounes thairin and bigging thairupoun," and ought to remove the same and to build only close to the said gable, with reservation to him of the "privelege of ane garroun of fyve fute lang, quhilk the said Edmond had of auld, brydlit in ane jeist to be set and fixt ane chaft lang in the said Mr Johnes eister gavill abone the said Edmondis turnepike and dure of the same."—The Lords approve and ratify the said decree. Page 22.

Edinburgh, 27th August.

Sederunt—Ut in die predicto, excepto Domino de Dumbar, thesaurario.

The Provost, Bailies, and Council of Glasgow against Sir Matthew Stewart of Minto, Sir Walter Stewart, his son, and a number of the citizens and craftsmen of Glasgow, for organised riot in opposition to certain changes promoted by the complainers in the matter of the election of the magistrates of the City.

Complaint by Sir George Elphinstoun of Blythswode, provost, Robert Rowatt, William Andirsoun, and Mathew Turnebule, Bailies of the city of Glasgow, and the Council thereof:—After preamble to the effect that the King and his predecessors,—"haveing ane speciall cair and regaird that the Burrowis of this his Heynes realme, quhilkis representis ane of his Majesteis Estaittis, mycht floriche in welth and policie, and that the inhabitantis of everie burgh, as memberis of ane, mycht leive in that unitie, cristeane harmonie, and civill societie, undir the obedience of thair magistrattis quhilk becometh the memberis of ane commounwele, and thairwithall foirseing and wyislie considdering how that the ignorant and commoun multitude ar easelie to be inducit to factionis and alterationis, and that subtile, craftie and politicque bodyis mycht draw thame ignorantlie, upoun vane pretenssis and schawis of libertie, to follow thair factious and seditious humouris, to renunce thair obedience to thair magistrattis, and to schaik af the cair of thair awne commounwele, and consequentlie to haip upoun thameselffis mony neidles and unnecessar inconvenientis and cummeris,"—had, with advice of their Estates of Parliament, for preventing these evils, "maid and establisched mony guid and

Acta 1606-7. helthsome lawis, Actis, and constitutionis," especially " anent the dischairgeing of all unlauchfull assembleis and meittingis of the commonis without the consent of thair magistratis, and that na leaguis nor bandis be maid within burgh aganis the magistrat [*Acts of Parl.* ii. pp. 50, 226, 543; iii. p. 38; iv. p. 288], and that na burges sould seik the patrocinie and mantenance of ony persone dwelland to landwart aganis the lauchfull authoritie of thair awne maistrattis," the narrative proceeds as follows :— " Becaus the libertie and fredome of frie electioun of magistrattis within burgh, quhilk is the ground and foundament quhairupoun the commounwele of burrowis dependis, hes bene, thir mony yeiris bygane, be the ouersicht of the saidis complenairis foirbearis, verie fer impared within the said citie, in sa fer as thair electioun wes not fre, bot in the power and handis of otheris, expres aganis his Heynes lawis and Actis of Parliament, Page 23. quhairby the frie electioun of magistrattis within burgh and the forme and ordoure of electioun is fullie establisched in the power and fredome of everie burgh, the saidis complenairis, to quhome the chairge and governament of the said citie wes commitit for this yeir, considering the grite hurte and inconvenient quhilk the said citie sustenit throw this defect in thair electioun, and finding thameselffis boundin in conscience and dewtie to assay sic guid and lauchfull meanis as possiblie they could to procure the libertie and fredome of thair awne electioun, communicat and impairted this mater to the grite counsele and body of thair toun ; quho, all in a voce, with a moist hairtie and loveing applause and consent, allowed and approved thair overture, and willed and intreated the saidis complenaris to prosequute and follow oute the same, as a thing importing moist heichlie thair commoun benefeite and weill. And sua, being assisted with the consent and applause of the haill toun, the saidis complenairis tuke the werk in hand, directit thair commissionairis to England ; quho so delt with his Majestie, and with the Duke of Lennox, in quhois persone the said libertie of electioun consisted, as, by his Heynes procurement and the consent and renunciatioun of the said Duke of Lennox, the full libertie, fredome, and previledge of the electioun of thair magistrattis is haillelie and fullie establisched and restored to the said toun, sua that now, praised be God, they have thair electioun als frie as any uther burgh within this his Majesteis kingdome. Quhilk being persavitt be the freindis of the house of Mynto, quho, undir the said Duke of Lennox, had the exercise of the officeis of the said toun in their personis, and they considering that be the saidis complenairis new libertie they could not have that sway, governament, and authoritie over the said toun quhilk formarlie they had, and resolveing with thameselffis be a meane or other to croce and hinder the perfectioun of that libertie in the saidis complenaris personis, in end they resolve that they could not get it done bot be the complenairis themselffis, and, gif the saidis complenairis consentit and aggreit in ane that it wer not possible to brangle thame, and that thairfore the nixt expedient wer to divyde the body of the said toun, and

Town Council of Glasgow against Stewart of Minto and others for tumult and riot.

Town Council of Glasgow against Stewart of Minto and others for tumult and riot.

to rais and interteny ane factioun and divisioun amangis thame. And, Acta 1606–7.
becaus the craftis of the said toun ar mony in nomber, and for the maist pairt rude and ignorant men, they thocht they mycht be maist easilie inducit to imbrace this divisioun upoun sic plausible argumentis as they sould lay before thame. And, for this effect, Sir Mathew Stewart of Mynto, knycht, Sir Walter Stewart, his sone, Mr Johnne Ros, James Stewart, merchand, James Inglis, James Hammiltoun, William Symmer, Andro Symmer, his sone, all freindis and followaris of the house of Mynto, delt and travellit, first privatlie and appairt, with certane of the deaconis of craftis of the said toun, and did inculcat in thair earis that the libertie procured be the saidis complenairis wes nathing ellis bot ane manifest thraldome and tyranie aganis the craftis, a dissolutioun of the estaite of the said toun, and ane heretable establischeing of the Page 24.
officeis and jurisdictioun of the toun in the personis of ane few nomber; and, with thir and uthiris the lyke subtile and craftie discourssis maid to the folische and ignorant multitude, they maid thame to mislyke of the libertie procured be the saidis complenaris, and to apprehend a constant opinioun that thair wes nothing socht in that libertie bot the undowing and undirmynding of the craftis and commonnis of the said toun. And sua, this subtile and fals informatioun going fra ane to ane other, in end it wes embraced for a treuth be the haill ignorant multitude of the said citie, in sa fer as, the saidis complenairis haveing directit thair commissionairis to the last Parliament to have purchest ane ratificatioun of thair said libertie and fredome of electioun, expecting nothing les then that ony inhabitant of the said citie sould have bene sua blindit with ignorance and errour as to have opponit thameselffis to that ratificatioun, it is of treuth that the personis undirwrittin,—thay ar to say, David Hall, James Stewart, Mr Johnne Ros, Mr Johnne Horner, George Bogill, Symone Stewart, James Hammiltoun, Robert Hammiltoun, Robert Kneland, Williame Kirkland, Gabriell Listoun, Robert Farie, Johnne Young, baxter, Thomas Glen, Thomas Richie, James Fischer, James Mure, Johnne Clerk, Waltir Scherilaw, Mathew Ker, David Andro, Johne Padie, William Lufe, Patrik Bar, William Lindsay, Edward Bowie, George Scherelew, George Bogill, Androw Mure, Johnne Gemmill, Robert Gemmill, James Braidwode, deacone generall, Ninaine Andirsoun, deacone of the cordinaris, Johnne Andirsoun, Thomas Fawsyde, deacone of the baxteris, Archibald Patirsoun, deacone of the wobsteris, Alexander Cauldwele, deacone of the skynneris, Williame Mure, deacone of the fleschcouris, Robert and Waltir Dowglassis, Johnne Scot, James Watsoun, George Broun, William Wilsoun, James Lichtbody, burgessis of Glasgow,—maist factiouslie and seditiouslie convocat and assembled togidder in the dwelling house of the said Mr Johnne Ros upoun the fyft day of Julii last, about sevin houris in the moirning, without the presence, knawlege, and consent of the magistrattis. Quhair the said Sir Mathew Stewart of Mynto wes present with thame, and be quhois procurement they wer assembled, as said is;

Acta 1606-7. and thair, discussing upoun the nature of the said libertie, and in publict audience affermeing that the same wes a tirranizeing and thraldome of the craftis in maner abonewrittin, they then formed ane supplicatioun directit to the Lordis of the Articlis for staying of the said ratificatioun, and sa mony of thame as wer present then instantlie subscryvit the same, and they directit some of thair nowmer to go athorte the toun and to beg the subscriptionis of the rest. And, with this letter, they directit the said Mr Johnne Ros, James Braidwode, and Niniane Andirsoun to the Parliament; quha presentit the same to the Lordis of the Articlis,—quhairupoun the saidis complenairis said ratificatioun wes stayed. And, the said Laird of Mynto and the factious societie of the said citie feiring that the saidis complenairis wald querrell thair factious and seditious proceidPage 25. ingis, quhairin they did quhat in thame lay to have betrayed the libertie and fredome of the said citie, they, be some prevey moyane and freindsschip of the house of Mynto, and upoun sinister and wrang informatioun maid to the Lordis of Counsale and Sessioun, purchest ane exemptioun to the haill personis subscryvairis of the seditious supplicatioun presentit to the Lordis of the Articlis fra the saidis complenaris office, judgement, and jurisdictioun. And, the forder to irritat and incense the commoun multitude aganis the saidis complenairis, and to mak ane outward schaw to thame that they had credite and power to overthraw thame at thair pleasour, the said Laird of Mynto and remanent his complices abonewrittin come, in a verie tumultuos and unseamelie maner, with convocatioun of the ignorant multitude of the said citie, to the nowmer of thrie or four score personis, all in airmes, with tairgis, swordis, and utherris wapponis invasive, to the mercat croce of the said citie; and, disdaning to seik the key of the croce,—albeit the same wes lyand in the tolbuith reddie to have bene deliverit to thame, and that the saidis complenairis wer sittand in counsale in the administratioun of justice,—they clame in over the said croce, and proclamed thair said exemptioun; quhilk in effect importit a libertie to thame to do quhat they pleasit without controlment. And the cheif and principall caus of this thair tumultuous and barbarous forme of proclameing of the said exemptioun wes to have moved the saidis complenairis to have come furth from thair counsale and to have found fault with thair doingis, that thairupoun they mycht have had the pretens of ane querrell to have persewit thame of thair lyveis; quhilk they had not faillit to have done wer not God furnist the saidis complenairis with patience to abyde all thair indigniteis. And, the saidis complenairis persaveing that this intestine divisioun and fyre amangis thameselffis wes lyke to draw ane grite desolatioun upoun the said citie, and the saidis complenairis being cairfull, as becometh thame, to foirsie and prevent all inconvenientis, and to gif unto the commoun multitude contentment and satisfactioun, and to lat thame sie and undirstand thair awne errour and how fer they had bene abused to thair awne prejudice and discredite, the saidis complenairis for this effect appointit ane meiting to have bene keipit with the saidis deaconis and commonis upoun the

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xxiiij day of Julii last; at the quhilk meitting the ministeris and regentis of the College within the said citie wes ordanit to be present. Bot, the said Laird of Mynto and some of the factious societie of the said citie feiring that the event of this meiting wald not be ansuerable to thair humouris, bot wald disapoint and frustrat thair purpoisis and interpryssis, they resolved in the meantyme to procure some trouble and unquietnes in the said citie for disapointing of that meitting; and, knawing that upoun the twenty thrie day of the said moneth, quhilk wes the day preceiding the appointit tyme of meitting, that the said Sir George wes to go to the archerie, they maid choise of that tyme and occasioun to work thair turne. And, for this effect, the said Sir Waltir, accumpanyit with Johnne and Alexander Stewartis, lay at await for him and his company,—quha wer bot fyve in nomber, without ony kynd of airmour, saulfing thair bowis; and, persaveing thame about sevin houris at evin come up the Dry Gait, of purpois to have past to the castell buttis and thair to have endit thair gayme, and James Forrett, ane of the said Sir George company, going to his awne house, with his bow disbendit in his hand, to have fetchit some bute arrowis, the said Sir Waltir thocht meit to mak the first onset upoun him, and thairby to draw the said Sir George bak; and, comeing to him, and uttering some injurious speitcheis aganis him, he drew his sword and cruellie invaidit the said James of his lyff. Quhairupoun the schowte being rissin, as the said Sir George wes entering at the castell porte, and being ignorant of that quhilk fell out, he come bak to have undirstude quhat the mater meanit; and, persaveing young Mynto to be the pairtie persewair, the said Sir George first intreated him be fair and gentill wordis to go his way, saying, 'Sir, I pray you to go youre way: no man sall offend you.' Bot, the said Sir Waltir disdaning the said Sir George requeist, he then be the authoritie of his office, as provost of the said citie, commandit him in his Majesteis name to go his way; quhilk commandiement he not onlie dissobeyit, bot thairwithall, haveing a company of airmed men lyand at the Wyndheid to the nowmer of fourty personis or thairby, all bodin in feir of weir with steilbonnetis, secreittis, plaitslevis, lang staulffis and utheris wapponis invasive,—as namelie, Sir Waltir Stewart of Arthurlie, knycht, Alexander Stewart, Johnne Stewart, George Bogill, Mr Johnne Horner, David Corbet, Arthour Fischer, Johne Mune, Johnne Duncane, Thomas Reid, Johnne Buntene, Archibald Patirsoun, Gilbert Wedrop, Hew Neisbit, Gabriell Corbet of Hardgray, Robert Naper of Blakyairdis, Thomas Clogie, younger, Johnne Clogie, his brother, Umphra M^cCapen, William Stobo, messinger, Robert Mathow, officeair of the Barony, George Gray, officeair thair, William Hereot, baxter, Patrik Gemmill, William Younger in Patrik, and Mr James Corbet,—they all, upoun the first onset maid be him, come unto him, and he and they, concurring togidder, maist cruelli and feirslie set upoun the said Sir George, and be force and violence drave him and his company bak to the castell porte, quhair he wes fred and relevit of the present danger. And, being disapointit of

Acta 1606–7. Page 26.

Acta 1606–7. thair intendit purpois at that tyme, they come bak agane to the Wyndheid, and the said James Braidwode, be thair directioun as appeired, ran doun the Hie Gait cryand 'arme you! arme you! they ar yokit.' Quhairupoun a grite nomber of airmed men of the seditious factioun of the said citie,—as namelie the said Sir Mathew Stewart of Mynto, knycht, James Braidwode, Niniane Andirsoun, Alexander Cauldwell, Thomas Fawsyde, Symone Stewart, Andro Symmer, George Broume, flescheour, William Mure, flescheoure, William Watsoun, flescheour, Page 27. James Stewart, mercheand, Johnne Stewart, cordiner, Johnne Robesoun, baxter, Alexander Logane, troupmaker, Andro Farie, Robert Farie, his soue, Adame Neill, cordiner, Williame Wilsoun, taillior, Andro Parker, Williame Lymburner, Niniane Stewart, James Watsoun, flescheoure, Williame Neilsoun, younger, Alexander Nicoll, Mr Robert Allasone, George Herroun, cuik, Gabriell Listoun, cordiner, Alexander Pollok, cordiner, James Stewart, sone naturall to the said James, Robert Kneland, Johnne Clerk, wobster, Williame Lindsay, George Bogill, maltman, David Hall, James Bar, Thomas Blair, maltman, Mr James Corbet, Johnne Naper, cutler, and Mr Johnne Ros,—convocat and assembled thameselffis togidder incontinent: and, misknawing the saidis complenairis, quha ar thair magistrattis, they come to the said Laird of Mynto, eldair, attendit and awaitit upoun him, and guardit his persone; and, they with young Mynto, haveing joyned baith thair power and force togidder at the Wyndheid, they with grite furie come bak to the castell porte, quhair the said Sir George wes, and maid ane new onsett upoun him, and, wer not that the Erll of Wigtoun, Maister of Montroise, and Laird of Kilsyth, all of his Majesteis Prevey Counsale, defendit the said Sir George fra thair invasioun, they had not faillit to have slaine him. And, seing they could not wyn towardis the said Sir George with lang staulfis and wapponis, they dispytfullie kaist stanes at him; and, they being chairgit be the saidis Counsallouris and at thair directioun to have past to thair ludgeingis, they disdainfullie refuisit the said chairge, past tumultuouslie doun the gait to the Barras Yet, far beneth the croce, and come up the gait agane with thrie hundreth personis in thair company, with thair drawin swordis in thair handis,—some of the rascall multitude crying, 'I sall have this buith and thow sall have that buith,'—and of new asseilyeit the castell porte, with full purpois and intentioun be force and violence to have enterit within the same. And, being informed that the said Sir George wes put in the said Erll of Wigtounes dwelling house for his forder suirtie, they intendit lykewayis to have persewit that ludgeing and to have taine him out perforce,—quhilk they had not faillit to have done wer not, be the valour and curage of his Heynes saidis Counsallouris, they war resisted, not without the grite hasard and perrell of the saidis Counsallouris lyveis. And, the said Mathew Turneble, baillie, heiring of the effray and comeing up the gait to have speirit for the said Sir George, he wes stayed and hinderit be the said multitude and commandit be thame to await upoun the Laird of Mynto. Lyke as, the said Williame Andir-

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soun being lykewyse comeing up the gait to the said Sir George, he wes maist feirslie set upoun and persewit of his lyff be the said multitude, and compellit for his refuge to tak the Commissaris ludgeing."—Charge had been given to the said Sir Mathew Stewart of Mynto, Sir Waltir Stewart of Arthourlie, Mr Johnne Horner, Johnne Duncane, Thomas Reid, Thomas Clogy, Johnne Mun, Umphra M^cCalpin, William Wilsone, younger, Arthour Fischer, Hew Nisbit, George Bogill, Johnne Clerk, Johnne Stewart, Gilbert Werdrope, Robert Cleland, James Watsoun, younger, flesher, James Bar, Alexander Nicoll, Niniane Stewart, Robert Mathow, Alexander Pollok, George Cherilaw, Alexander Logane, Mathew Ker, Thomas Richie, Edward Bowy, Johnne Stewart, George Brume, William Watsoun, younger, Walter Scherilaw, Patrik Gemmill, Johnne Pedie, Patrik Bar, Adame Neill, Adam Parker, William Lindsay, William Lymburner, William Luiff, Mr Robert Allasoun, Gabriell Listoun, James Stewart, elder, George Herroun, David Corbett, William Kirkland, Johnne Clogy, Gabriell Corbett of Hardgray, Robert Naper of Blakyairdis, James Braidwode, Niniane Andirsoun, Thomas Fawsyde, William Mure, Alexander Cauldwele, Archibald Patirsoun, Mr Johnne Ros, James Lichtbody, Symone Stewart, Alexander Stewart, Johnne Buntene, William Stobo, William Younger in Partik, Johnne Naper, Johnne Dalrumple, and Mr James Corbet of Colcors, to appear this day and answer. "Quhilkis being callit, and the said Sir George Elphingstoun, provest, Robert Rowat, William Andirsoun, and Mathow Turneble, bailleis, and a grite nowmer of the counsale of the said citie, compeirand all personalie, quha past fra the persute of the saidis Androw Stark, George Huchesoun, William Symmer, Andro Symmer, Thomas Kincaid, Johnne Andirsone, eldair, Waltir and Robert Douglassis, James Inglis, James Flemyng, James and Robert Hammiltonis, Johnne Govane, David Andro, Johnne Richie, Johnne Hall, and James Fischer, and the haill remanent defendairis particularlie abonewritten being lykwyse personalie present, except the saidis William Herreot, James Stewart, eldair, George Herroun, and Johnne Clogy, quha wer oftymes callit and compeirit not," the Lords, after hearing the reasons and allegations of both parties, together with the depositions of sworn witnesses on the particular points of the complaint, "findis the said lible and complaint, in sa fer as concernis the comeing of the saidis Laird of Mynto, eldair, to the said croce in a verie unseamelie maner, with convocatioun and in airmes, for publischeing of the said exemptioun, cleirlie and sufficientlie provin aganis him and aganis the saidis Symone Stewart and Mr James Corbett, quha clame in over the said croce; as alsua findis the said complaint in sa fer as concernis the persute and invasioun of the said Sir George Elphingstoun, provest, William Andirsone, baillie, and the said James Forret, in maner and at the tymes respective abonewrittin, cleirlie and sufficientlie verifeit and provin aganis the saidis Lairdis of Mynto, eldair and younger, and aganis the saidis James Stewart, mercheand, James Stewart, his bastard , William

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Acta 1606-7. Lymburner, Johnne Duncane, Robert Naper of Blakyairdis, Gabriell Corbet of Hardgray, Androw Farie, Thomas Fawsyde, Niniane Andirsone, Thomas Reid, Johnne Dalrumple, George Bogill, George and Alexander Stewartis, Gabriell Listoun, Thomas Blair, Mr Johnne Horner, Arthour Fischer, Johnne Buntene, Thomas Clogie, Johnne Clogie, William Stobo, William Heriot, Gilbert Wedrope, Hew Neisbit, David Corbett, Adam Neill, George Brume, Mr Johnne Ros, Robert Farie, Mr Robert Allasone, Johnne Naper, cutler, Johnne Stewart, cordiner, and Symone Stewart." It is therefore declared that these persons have committed a "verie grite insolence and ryot"; for which they are ordained to be warded in the burgh of Linlithqu till his Majesty's will be made known concerning them. At the same time, the said Lords assoilzie simpliciter the Lairds of Mynto, elder and younger, and all the other defenders so found culpable from forethought felony intended against the pursuers, and from the charge of "thair lying at await for the said Provest at the Wyndheid of the said citie," because the pursuers have failed in proving that part of their complaint. They also assoilzie all the remaining defenders from all the points of the complaint, and grant to them, and to those other persons from whose prosecution the complainers had passed, liberty to depart home at their pleasure.

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Complaint by Sir Walter Stewart of Arthourlie, as follows :—Upon 23rd July last, while he was "comeing doun the Rottounraw," in the city of Glasgow, to his own lodging, attended only by two servants, he perceived Sir George Elphingstoun with nine or ten others walking up the Dry Gait; and, "albeit the said complenairis direct course to his ludgeing lay that way," yet, "in respect of some drynes betuix Sir George and him," he went another way to avoid trouble. But James Forret, one of Sir George's company, put himself in complainer's way and "preiseit to have stayed his passage"; whereupon, complainer having "sobirlie found fault with him" for his conduct, Forret "immediatlie bendit his bow" and would have shot the complainer if one of his companions had not "cuttit the bow string,"—on which Sir George, with James and Mr Johnne, his brothers, Archibald Mure, Johnne Galbraith, Thomas Pitticrew, burgesses of Glasgow, Thomas Hammiltoun and Thomas Patirsone, servitors to Sir George, "verie feirslie and cruellie" invaded complainer and his servants, and would have slain them "wer not be the providence of God and thair awne bettir defence they eschaiped."—Both parties appearing, the Lords assoilzie the defenders from this complaint, because complainers have failed in their probation.

Stewart, younger of Minto, against the Provost of Glasgow for assault. Decree of absolvitor.

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His Majesty, highly offended by "that grite insolence and broyll" which fell out in Perth in the time of the last session of Parliament between James, Earl of Glencairne, and , Master of Wyntoun, having directed his letter, signed with his own hand, to the Lords of Secret Council, ordaining them to "tak particulair tryell of the first begyning of that trouble, how the same fell furth and whiche of the twa pairtyis began the invasioun, and and quhidder it wes upoun ony precogitat malice

Order for inquiry into the origin and circumstances of the late boril at Perth between the Earl of Glencairn and the Master of Winton.

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or foirthocht intentioun, or gif the same did fall furth be meir accident and chadmelly," with instruction to desert in the meantime all diets between the said parties before the justice general, high constable, or any other judge, the said Lords, "being cairfull to gif unto his Majestie contentment and satisfactioun in this mater be sic exact tryall to be tane be thame thairin as guidlie they can get," ordain both parties and their witnesses to appear before them at Lynlithqu upon 30th September next, and meanwhile discharge all judges from proceeding in this cause. Acta 1606-7.

Commission to inquire and report as to the circumstances of the slaughter of James Carmichael in Dysart.

Being informed that the slaughter of James Carmichaell in Dysart by Edward and Thomas Nesbittis proceeded not from forethought felony, but from mere accident, "they being set upoun and invaidit be David Crystie and Michaell Lachreis, with quhome the said umquhill James wes in company, and his slauchter committed in eschewing of thair invasioun and in the saidis Thomas and Edwardis awne defence," his Majesty had, Page 33. by letter to the Privy Council, commanded a certain number of them to be appointed to investigate the subject and report. Accordingly, the Lords appoint Johnne, Earl of Montroise, lord commissioner of this kingdom, Alexander, Earl of Dunfermling, lord high chancellor, Mark, Earl of Lowthiane, Petir, Bishop of Dunkeld, Johnne, Lord of Halyruidhous, Sir Johnne Cokburne of Ormestoun, justice clerk, Sir Thomas Hammiltoun of Monkland, advocate, Mr Johnne Prestoun of Fentounbarnis, collector general, and Sir Johne Skene of Curriehill, clerk of register, or any five or four of them conjunctly, to meet at Leith upon 16th September next, and to take trial in the matter and report to the Council, that they may certify the whole truth to his Highness. Page 34.

Commission to the magistrates of Ayr to make and execute Acts for the regulation of the burgh while the plague continues there.

As the burgh of Air is "now presentlie, at the guid pleasour of God, visite with this contagious seiknes of the pestilence," and as there is "a verie grite mortalitie of all degreis and rankis of personis within the same," and as the sickness "is lyke to have a forder course and progres within the said burgh be occasioun thair is no governament within the same nor na obedience gevin to the magistrattis, bot the suspect and foull personis takis libertie at thair pleasoure to resort amang the clene, some of thame conceilling their seiknes, and the gritest pairt refuseing to contene thameselffis in sic pairtis and placeis as is appointit to thame for abyding of thair tryell and clengeing," and as it is "the guid will and pleasour of Almichtie God that ordinair and lauchfull meanis be usit in all sic visitationis for staying of the same," the Lords, "remitting alwyse the event and succes to his divyne pleasour," give commission to the provost and bailies of Air to make acts and rules for the government of the said burgh while so visited,—"especiallie for retening and keiping of the suspect and foull personis from the clen,"—and "to appoint paines and punischementis aganis the contravenairis of the saidis actis"; with power also to make rules "how the puir and misterfull personis infectit with the said seiknes, quho Page 35. hes not moyane to mak thair awne intertenyment, salbe furneist during the tyme of thair visitatioun." This commission to endure only so long as the said burgh is visited with the said sickness.

Acta 1606–7. A commission having been given in the last session of Parliament to certain persons to modify competent stipends to the "ministeris serving at the kirkis of sic prelaceis" as by his Majesty's special command were then erected (1606, c. 23, iv. p. 300), togeather with the "yeirlie dewty to be payit to his Heynes furth of the same erectionis," the Lords appoint 1st December next for the meeting of the said commissioners in Edinburgh, and ordain proclamation hereof to be made at the market cross of Edinburgh and other places needful (*ante*, pp. 232–3).

Day of meeting appointed for the Commissioners for modifying stipends to ministers serving at the kirks of the recently erected prelacies.

Recitation of the previous Act of Council of 9th August (*ante*, p. 233), charging the Earl of Eglintoun, Lord Semple, and a number of their friends, on the one side, and the Earl of Glencairne, with a number of his
Page 36. friends, on the other side, to appear before the Council prepared to submit to arbitration the feud standing between them, in terms of that Act of Convention of Estates which had not hitherto been applied to this particular feud by reason of the Earl of Eglintoun's minority.—The Earls of Eglintoun and Glencairne and Lord Semple, with divers of their friends named in the said Act of charge, now appearing "according as they war severalie send for and convoyit to the Counsale," and having been asked if they were ready to submit their feud, and Glencairne having "altogidder refusit to submit," because he knew of no feud between him and Eglintoun and is innocent of the slaughter of the late Earl of Eglintoun, and the Earl of Eglintoun having craved that, as this was the first time he had been charged since his majority, and as the matter was "of sa grite a consequence," he might have time to advise with his friends, and Lord Semple on the other hand having expressed his willingness to submit his quarrel with the Earl of Glencairne, the Lords, in respect of these answers, assign to the Earl of Eglintoun 20th November next for giving a direct answer anent the said submission, and find meet that a letter shall be written to his Majesty craving his direction with regard to
Page 37. the answers of the Earl of Glencairne and Lord Semple.

Again in the matter of the feud between the Earl of Eglinton and Lord Semple, on the one side, and the Earl of Glencairn on the other.

Linlithgow, 28th August.

As, in the late process by the provost, bailies, and council of the city of Glasgow against the Lairds of Mynto, elder and younger, and a number of the "commonis" of the said city (*ante*, pp. 240–47), and in the counter process of young Mynto against the said provost (*ante*, p. 247), it was found that the magistrates did nothing in that matter impertinent to their office and that the said commons "committit a verie grite insolence and ryot in the persute of thair provest and lauchfull magistratis,"—for which "a grite nomber quha wer principall actouris in that insolence ar moist justlie and worthelie wairdit quhill forder ordoure be tane anent thair punischement," while "some otheris, upoun hoip of thair amendiment and moir dewtifull behaviour in tyme cuming, ar dimittit and send hame," the Lords, "becaus suche mutyneis and insurrectionis aganis the lauchfull magistrat ar of a verie dangerous preparative and example, and ar odious and detestable to be hard of in ony christeane monarchie and weill governit commounwelth," have resolved "moist seveirlie and examplarlie

Proclamation charging the inhabitants of Glasgow to reverence and obey their magistrates and to make no new trouble within the city.

to punische" all persons within the said city who shall commit the like "insolence" in future, and therefore order proclamation to that effect to be made at the market cross of Glasgow, with charge to all and sundry "to reverence, acknawledge, and obey" their magistrates, and attend "each thair awne calling," as they shall answer at their highest peril. Acta 1606-7.

Linlithgow, 2nd Sept.

Sederunt—Commissioner; Chancellor; Ergyle; Linlithqu; Orknay; Dumbar; Lowtheane; Elphingstoun; Master of Lowtheane; Master of Elphingstoun; Dunkeld; Advocate; Collector; Privy Seal.

Act for settling a dispute between Thomas Marjoribanks and other inhabitants of Ratho, on the one side, and James Douglas and other inhabitants of Gogar, on the other side, anent lodges built on the muir of Gogar for the ease of persons infected with the plague.

Having considered the complaints between Thomas Marjoribankis, portioner of Ratho, Johnne and James Marjoribankis, his sons, and James Winrahame, portioner of Sauchtounhall, on the one part, and James Douglas, portioner of Over Goger, James Louriston, son of the late Daniell Lowrestoun, portioner of Over Goger, David and George Hammiltonis, brothers of James Hammiltoun of Kinbrachmont, on the other part, "anent certain ludgeis biggit be the said James Lowrestoun, David and George Hammiltonis, upoun the commoun mure of Gogar, for the ease and relieff of certane thair tennentis infectit with the pest, and anent the interruptioun maid thairunto be the said Thomas Merjoribankis, his saidis sones, and the said James Winrahame, and anent thair douncasting of the same ludgeis," and understanding that the said mure belongs in commonty to the lands of Ratho and Over Goger, the Lords ordain the said lodges to be built by Douglas and Lowrestoun upon the march of the mure "maist ewest thair awne propirtie, quhair they may have the best commoditie of watter," at the sight of Sir Richard Cokburne of Clerkintoun, lord privy seal, who is ordained to see the same built as said is. That no trouble may fall out between the parties hereafter, they are to remain in Linlithqu till they find lawsurety to one another, Thomas Marjoribanks in £1000, each of his sons in 500 merks, Winrahame in 1000 merks, Douglas in 1000 merks, and Lowrestoun and David and George Hammiltonis in 500 merks each. Page 38.

Prohibition of a fair to be held in Stirling, by reason of the plague there.

As, notwithstanding the presence of the plague in Striveling, the magistrates of that burgh have proclaimed a fair to be held there upon 8th instant, there is order to discharge the holding of the said fair or any other so long as it shall please God to "continew the said infectioun" in the burgh. Page 39.

Edinburgh, 3rd Sept.

Earl of Morton and Lord Maxwell disharged from holding Courts in Eskdale till order be taken between them.

As William, Earl of Mortoun, and Williame, Master of Mortoun, on the one part, and Johnne, Lord Maxwell, on the other, under pretext of holding courts which they have lately appointed to be kept by them in Eskdaill, only "intend to schaw thair poweris and forces, and to mak a brag and provocatioun athir of thame aganis otheris," to the breik of the peace of the late Borders, which now "undir his Majesteis blissed governament ar reducit undir grite quietnes," there is command to discharge both parties, under pain of rebellion, from holding such courts till

Acta 1606–7. Page 40.

such order be taken between them that the courts may be kept "in peace and quietnes," and also to charge all and sundry, by open proclamation at the market crosses of Drumfries, Couper of Fyff, and Edinburgh, not to accompany either of the said parties within the said bounds till order be taken as said is.

Leith, 16th September. Meeting of the Council changed to Edinburgh.

The Lords having thought meet that the next meeting of the Council, appointed to be kept at Linlithqu upon 30th instant, shall, God willing, be held in Edinburgh the same day, proclamation accordingly is to be made at the market crosses of the said burghs.

Edinburgh, 30th Sept.

Sederunt—Chancellor; Linlithqu; Lowthiane; Master of Lowthiane; Bishop of Dunkeld; Sir James Sandielandis; Quhittinghame; Sir Robert Melvill, younger; Justice Clerk; Privy Seal; Cranstoun-riddle; Collector; Clerk of Register; Sir Johnne Arnot.

Decree against Learmonth of Dersie for lying at the horn for debt.

Complaint by Mr Nicoll Gilbert, second son of the late Michaell Gilbert, burgess of Edinburgh, that William Learmonth, fiar of Dairsie, who was put to the horn upon 10th July last for not paying complainer 2000 merks as principal, with 200 merks for expenses, remains unrelaxed.—

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Complainer appearing, but not the defender, the Captain of the Guard is ordered to apprehend and enter defender, take his houses, and inventory his goods for his Majesty's use.

Decree against Robert Ormiston for the same.

Complaint by Williame Hunter of Williamelaw that Robert Ormestoun of Old Melros, who was put to the horn upon 5th June last for not paying complainer £110 as principal, with £30 for expenses, remains unrelaxed.

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—Complainer appearing by Robert Hunter, there is decree as in last Act against the defender for non-appearance.

Decree against certain persons for lying at the horn as debtors to Robert Stewart, burgess of Glasgow.

Complaint by Robert Stewart, burgess of Glasgow, against the following persons for remaining at the horn unrelaxed:—(1) Robert Stewart, now of Kirklane of Stewartoun, denounced 29th March 1605 for not paying complainer, as assignee to Johnne Stewart in Glandirstoun, £60; (2) Archibald Mure, son of Robert Mure of Cauldwele, denounced 27th August 1603 for not finding caution for complainer's indemnity; (3) Mathew Harbertsoun, notary, burgess of Glasgow, denounced 29th August 1604 for not paying complainer £10 as principal and 5 merks for expenses; (4) said Mathew, and Agnes Stevinsoun, his spouse, denounced 13th August last for not paying complainer £28 as principal and 10 merks for expenses; (5) Johnne Stewart, burgess of Glasgow, denounced 13th August last for not paying complainer £90 as principal, with £30

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for expenses.—Pursuer appearing, but none of the defenders, decree is given against all of them as in last Act.

Decree against Scott of Balweary for lying at the horn for debt.

Complaint by Andrew Wischert of Muretoun that Sir James Scot of Balwerie, who was put to the horn on 13th August last for not paying complainer, as assignee to Mistress Anna of Dovanfurd, spouse of Lord Martene in Midhauch, Holland, £600 specified in his obligation to

the said Lady, remains unrelaxed.—Complainer appearing by Waltir Dog, his procurator, decree as in last Act is given against the defender for non-compearance. Acta 1606-7. Page 44.

Decree against Alexander Wallace for lying at the horn for not finding caution to answer to a charge of slaughter.

Complaint by Jonet Fergesoun, relict, and Williame Wallace, son, with the other kin and friends, of the late Edwart Wallace in Bank, also by Thomas Thomesoun, brother, with the other kin of the late Nicoll Thomesoun, servitor to Johnne Fergesoun of the Ile, and by Stewart of Garleis, as master to the said deceased persons, that Alexander Wallace, son of Johnne Wallace in Caryeill, denounced upon 30th December 1597, in default of finding caution to underlie the laws before the justice for art and part in the slaughter of the said persons, remains unrelaxed,—Complainers appearing by Mr William Broun, there is decree as in last Act against defender for non-compearance. Page 45

Decree against William Adieson and others for lying at the horn for debt.

Complaint by Robert Donaldsoun, merchant, burgess of Edinburgh, that Williame Adiesoun, burgess of Pittinweyme, Andro Adiesoun, his son, Michaell Balfoure in Pittinweyme, Andro Auchinlek, mariner, and Williame Cuke, son of the late Johnne Cuke, burgess there, denounced on 19th July 1605 for not paying complainer a debt of £896, remain unrelaxed.—Complainer appearing personally, there is decree as in last Act against defenders for non-appearance. Page 46.

Decree against the Montgomerys of Langshaw for lying at the horn as debtors.

Complaint by Robert Hammiltoun of Cathkin, Helene Montgomerie, his spouse, and Robert Hammiltoun, their son, that Sir Neill Montgomerie of Langschaw, elder, and Neill Montgomerie, younger thereof, who had been denounced upon 6th November last for not paying complainers 700 merks as principal and £40 for expenses, remain unrelaxed, and that said defenders, and Robert Calderwode, younger of Pacokbank, who had been denounced on 26th November last for not paying to complainers "certane grite sowmes of money," remain unrelaxed from that horning.—Robert Hammiltoun, elder, appearing for himself and the other complainers, decree as above is given against defenders for non-compearance. Page 47

Magistrates of Wigtown against John Dumbar and others for "indignitie" to the pursuers in the tolbooth of Wigtown and for breaking ward thence.

Complaint by Alexander Stewart of Garlies, provost, and Williame M°Kie and Michaell Cochrane, bailies, of Wigtoun, as follows:—Johnne Dumbar, apparent of Craloch, Patrik Ahannay, apparent of Kirkdaill, Alexander Dumbar of Egirnes, and Alexander Cairnis, sometime of Cultis having on 20th August last committed "ryot and oppressioun" upon Johnne Stewart, servitor to the said provost, had been put in ward in the tolbooth of the said burgh. Having been there commanded by the bailies to deliver their weapons to the jailer, they not only disobeyed, but "invaidit and persewit" them of their lives with a drawn sword, and would have slain them, but for the providence of God and help of some persons present. Immediately afterwards the said offenders treasonably broke their ward.—William M°Kie appearing for himself and the other pursuers, but none of the defenders appearing, the Lords of Secret Council, having heard witnesses, find that the defenders have committed "ane grite insolence and ryot," and order them to enter in ward in the tolbooth of Edinburgh. Page 48.

Acta 1606-7. Complaint by Andro Pringle, son of Thomas Pringle of Milkanstoun, as follows :—Thomas Ker of Kippielaw having remained a long time at the horn for not paying complainer certain sums of money, complainer had obtained a warrant from the Lords of Secret Council to the Captain of the Guard for apprehending Ker and seizing and inventorying his goods. Whereupon Ker, and Robert, his son, had "maist craftelie and subtellie" obtained from the Lords of Privy Council suspension of the said horning, under the name of Robert Ker in Melros, whose name they "borrowit to the said suspensioun." They have thus frustrated the execution of the said warrant these twelve months past. Now, as the said suspension had been obtained without the knowledge or consent of the said Robert, the said father and son, for their frauds, and as "circumvenairis and abusairis" of the said Lords, ought to be punished in their

Decree against Thomas Ker of Kippielaw for fraudulently procuring suspension of a horning obtained against him by Andrew Pringle.

Page 49. persons and goods.—Complainer appearing and producing a letter subscribed by said Robert Ker of Melros, bearing that he knew nothing of the said suspension, and the younger defender being also present, but his father not appearing, the order is to execute the said warrant against the said father.

Complaint by Johnne Murray, servitor to Johnne, Earl of Mar, that Johnne Howstoun of Leny, who was put to the horn on 16th August last for not paying complainer, as cessioner and assignee to Mr Alexander Seytoun, son of James Seytoun in Tullybody, 1000 merks as principal

Decree against John Houston for remaining at the horn for debt.

Page 50. and £100 for expenses, remains unrelaxed.—Complainer appearing by Robert Eldair, but defender failing to appear, there is warrant to the Captain of the Guard to apprehend him and seize and inventory his goods.

Complaint by Johnne Duncane, elder, at the Brig of Haillis, and Johnne Duncane, his brother, that, upon 21st instant, while they were coming from their own houses to the town of Dalkeith, Sir James Foullis of Colingtoun and his accomplices followed them on horseback, violently took them prisoners and carried them to the said Sir James's place of

John and John Duncan against Sir James Foullis of Colinton and the magistrates of Edinburgh for wrongous imprisonment.

Page 51. Colintoun, where they were detained without cause.—Charge had been given to the said Sir James, and also to Alexander Peirsoun and William Fouller, bailies of Edinburgh, to release complainers, or else to enter them before the Council this day; and now, complainers appearing by Mathew Tod, burgess of Edinburgh, and Sir James being also present, but neither of the said bailies, and Sir James having declared that he had apprehended the complainers because they had mutilated Robert Davidsoun, "meilmaker," upon 20th instant, and were minded to flee from justice, and that he had delivered them to the bailies of Edinburgh, in whose custody they now were, the Lords ordain the said bailies to put the complainers to liberty, on their giving caution, each in 300 merks, to answer for the said mutilation when required.

Page 52. Complaint by James Cleland, brother of Johnne Cleland of Foscane, that Sir James Edmestoun of Duntreith, James Dennestoun of Cowgrane, Robert Semple of Noblestoun, and William Logane of Drumchapell, who had been put to the horn upon 25th February last for not paying him

Decree against Sir James Edmonston and others for remaining at the horn for debt.

2500 merks as principal, and 600 merks for expenses, remain unrelaxed. Acta 1606-7. —Complainer appearing, but none of the defenders, there is warrant to the Captain of the Guard to apprehend them and seize and inventory their goods.

Decree against Marion Spittell and William Welwood for lying at the horn as debtors.

Complaint by George Bruce in Culroiz that Marioun Spittell, and William Walwode, now her spouse, who had been put to the horn on 24th January 1604 for not paying him nine bolls of salt, the profit of a saltpan wrongously detained by them from him, as by a decree obtained by him before the Lords of Council and Session on Page 53. 3rd July 1602, together with £10 for expenses and 40s. paid to the Lords' collector, remain yet unrelaxed.—Complainer appearing by James Smyth, decree as in last Act is given against the defenders for non-compearance.

Decree against Robert Ormiston for lying at the horn at the instance of James Ker.

Complaint by James Ker, son of the late Waltir Ker of Litledane, that Robert Ormestoun of Old Melros, as principal, and Johnne Ormestoun, portioner of Smelhome, Robert Ormestoun, his son and apparent heir, and Mark Ormestoun, portioner there, as sureties for the said principal, remain as yet unrelaxed from the horning executed against them for not obtaining the infeftment of the said principal in the lands of Old Melros, to the effect he might thereafter seise complainer in an annual-rent of 48 bolls victual, with an annualrent of £80 money, as specified in the contract between them of date 16th July 1596.—Charge had Page 54. been given to the said principal to answer; and now, pursuer appearing by Mr Johnne Home, but defender failing to appear, decree as in last Act is given against him.

Decree against Alexander Black and others for lying at the horn for debt to the Master of Linlithgow.

Complaint by Alexander, Master of Linlithqu, and Alexander, Earl of Litlithqu, his father and tutor, as follows:—Alexander Blak in Cultir, Williame Broun, elder there, Johnne Porteous in Wodlandis, William Richartsoun in Coultir, Malie Richartsoun there, Hew Braidfute there, Edward Lindsay in Birsit, Mr Alexander Meinzeis of Coultirrawis, David Pringle in Nesbit, Williame Bartrum there, David Pringle in Nesbitt, William Bartrum there, Gilbert Hammiltoun there, James Menzeis in , Issobell Hill, Richart Wat, elder in Wanthank, Richart Wat, younger, there, Johnne Wilsoun in Cowtir, Thomas Fraser there, David Menzeis there, Johnne Porteous in Wolfclyde, John Carmichaell there, William Wilsoun there, Androw Jaspoun there, Johnne Braidfute in Coultir, George Ker there, Rowie Mitchell there, Richart Patoun there, Mungo M^{c}Morrane there, Johne Baillie in Quhythill, William Baillie in Lamyngtoun, Thomas Porteous in Hangingschaw, Johne Mure there, Niniane M^{c}Kie in Windingschaw, and Mungo Porteous there, remain Page 55. unrelaxed from the horning to which they had been put upon 14th April and 9th June last for not having restored to complainers the teindsheaves of the parish of Coultir for 1604, wrongously spuilyied by them, or else paid the prices thereof, as specified in a decree obtained against them before the Lords of Council on 25th July 1605, together with £20 for expenses disbursed in obtaining the said decree, and £5 of consigned silver paid to the Lords' collector.—The Earl of Linlithqu appearing for

Acta 1606-7. Page 56.

himself and his son, but none of the defenders, there is warrant to the Captain of the Guard to apprehend them, and seize and inventory their goods.

Decree against George Barron and Henry Guthrie for lying at the horn for debt.

Complaint by Johne Hammiltoun in Nes that Henry Guthrie of Collis-ton and George Baroun of Kynnaird remain unrelaxed from the horning executed against them on 12th and 16th December 1605 for not paying him £3760 as principal and £100 for expenses.—Complainer appearing

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by Sinclair, his procurator, there is decree as in last Act against the defenders for non-appearance.

Decree against Patrick Jackson for debt.

Complaint by Issobell Creichtoun, relict of Elias Maxwell, merchant, burgess of Edinburgh, that Patrik Jaksoun in Tunynghame remains unrelaxed as her debtor in 300 merks as principal and £40 for expenses. —Complainer appearing by Robert Hepburne, there is decree as in last Act against defender for non-compearance.

Decree against Robert Hamilton for debt.

Complaint by William Ros, son of the late Thomas Ros, merchant, burgess of Edinburgh, against Robert Hammiltoun, fiar of Bathcat, for remaining unrelaxed from the horning executed against him on 2nd July last for not paying complainer 800 merks as principal and £100 for

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expenses.—Complainer appearing personally, there is decree as in last Act against defender for non-compearance.

Decree against David Livingstone for not relieving Archibald Primrose as his cautioner.

Complaint by Archibald Prymrois, writer, that David Levingstoun, brother of Alexander Levingstoun, apparent of Donypace, remains unrelaxed from the horning executed against him on 26th April last for not relieving complainer of payment of £1500 as principal and £200 for expenses, for which he became cautioner for the said David, and for the said Alexander, his brother, to William Leyis, merchant, burgess of Edin-

Page 59.

burgh.—Complainer appearing personally, there is decree as in last Act against defender for non-compearance.

Commission to MacKenzie of Kintail to act for the King against Neill MacNeill of Barra, Captain of Clan Ranald, and his accomplices, who have raised insurrection in the Lewis, with slaughter of his Majesty's good subjects there.

Neill M°Cleud M°Neill of Barra, Captain of the Clan Rannald, with some other chieftains of the Isles and Highlands adjacent, having "of lait amassit togidder a force and company of the barbarous and rebellious thevis and lymmairis of the Illis," and with them entered the Lewis, "assailyeit the camp of his Majesties guid subjectis," and "committit barbarous and detestable murthouris and slauchteris upoun thame," the Lords give commission to Kenneth M°Kenzie of Kintaill to convocate the lieges in arms and to pursue the said offenders with fire and sword by sea or land, "tak and slay thame," or present them here to justice; with power also to the said Kenneth to pass to the Lewis for the relief of subjects "distressit and grevit" by the "saidis rebellious lymmairis," or of prisoners

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in their hands, and to procure their liberty by "force or policie as he may best have it." There is order also to charge the lieges within the shires of Invernes and Narne, to burgh and land, to rise and assist the said commissioner in the execution of his office as they shall be advertised by his precepts and proclamations.[1]

[1] This Act of 30th September 1606 connects itself with the fate of that renewed enterprise for the conquest and plantation of the Lewis by Lowland adventurers which had been

Decree against Mr Robert Ross and Robert Stewart for lying at the horn for debt.

Complaint by Johnne Huchesoun, merchant, burgess of Edinburgh, against Mr Robert Ros of Cragy and Robert Stewart of Haltoun of Loncardie for remaining unrelaxed from the horning executed against them on 28th July last for not paying complainer 400 merks as principal and £40 for expenses.—Complainer appearing personally, but neither of the defenders, there is warrant to the Captain of the Guard to apprehend them, and seize and inventory their goods. Acta 1606–7. Page 61.

Henry and Robert Pringle against the bailies of Wester Wemyss for illegal arrest and imprisonment.

Complaint by Henry Pringle in Tewcheittis and Robert Pringle in Kame of Lundy, tenants of Lundy of that Ilk, and by the said Laird for his interest, as follows:—Johnne Richie and Johnne Peirsoun, bailies of Wester Weymes, accompanied by James Russell, flesher there, David Ritchie there, Duncane Eldair there, Johnne Elder there, George Watterstoun there, David Williame there, George Elder there, Johnne Pedie there, Johnne Tailyeour there, Johnne Prat there, David Barclay there, and Johnne Sibbald in Kirktoun of Weymes, with others to the number of four score persons, all armed with jacks, steelbonnets, gauntlets, swords, spears, long staves, and other weapons, came on 14th instant, at 2 o'clock in the morning, to the houses of the said tenants, broke up the doors thereof, took them out of their beds, and carried them to the town of Wester Weymes, where they detain them as prisoners, sometime in one house and sometime in another, without lawful cause or reason.—The Laird of Lundy appearing personally, and Johnne Ritchie, one of the bailies, also appearing, and presenting the said Henry and Robert Pringlis, conform to the charge given to the bailies of the said town, and the said James Russell, David Ritchie, Duncane Eldair, George Watterstoun, George Elder, Johnne Pedie, David Barclay, and Johnne Sibbald, being also present, and it having been alleged by the defenders that the complainers, Henry and Robert, had been apprehended and warded on information that they were art and part in the slaughter of the late in the town of Wemyss, the Lords ordain the said bailies to put the complainers to liberty, Sir James Lundy having become surety for each of them in 500 merks that they shall answer for the said slaughter when required. Page 62. Page 63.

Decree against George Home for lying at the horn in the matter of teinds due to Mr George Roull, minister.

Complaint by Mr George Roull, minister at the parish kirks of

going on since the summer of 1605. The story is succinctly told by Spotswood (pp. 490–491) as follows:—"This summer [1605] the enterprise of the Lewis was again set on foot by Robert Lumisdale of Ardrie and Sir George Hay of Netherliffe [see *ante*, pp. 89, 80], to whom some of the first undertakers had made over their right. In August they took journey thither; and, by the assistance of Mackay, Mackenzie, and Donald Gorm, forced the inhabitants to remove furth of the Isle and give surety not to return. Ardrie and his copartners, thinking all made sure, and that there was no more danger, returned south about Martinmas, leaving some companies to maintain their possession; which they made good all that winter, though now and then they were assaulted by the Islesmen. In the spring Ardrie went back, taking with him fresh provision, and fell to build and manure the lands. But they continued not long; for, moneys failing, the workmen went away, and, the companies diminishing daily, the natives, having associated a number of Islesmen, made a new invasion about the end of harvest, and by continuall incursions so outwearied the new possessors as they gave over the enterprise, and were contented for a little summe of money to make away their rights to the Laird of Mackenzie. This turned to the ruine of divers of the undertakers."

Acta 1606-7. Mordingtoun and Langformagus, that George Home of Quhytlaw remains unrelaxed from the horning executed against him on 9th May last for not paying complainer the teindsheaves, rents, and duties of the parsonages and vicarages of the said kirks for the year 1605.—Complainer appearing personally, there is warrant to the Captain of the Guard to
Page 64. apprehend the defender, and seize and inventory his goods, for his non-compearance.

Royal Proclamation discharging all ministers, under pain of death, from remembering in their sermons or prayers, otherwise than with reprobation, any of the ministers now in ward for holding "the late contemptuous conventicle" at Aberdeen.

"Whereas divers of the ministerie of that oure kingdome of Scotland, —patrones, as it seamith, and alloweris of that contemptuous conventicle held at Abirdene the day of Julii 1605 by a litle handfull of the basest and moist ignorant of that professioun; whose seditious proceiding being first condemned by oure Counsale in that kingdome, and thereafter the same by the Commissionairis of the Generall Assembly declaired to be no lauchfull meitting; and the principall authoris of the said conventicle haveing incurred the panes of treasoun for thair treasonable declyning of oure Counsellis authoritie, for which they were convicted in a justice court held at Linlithgow the tent day of Januair last bypast,—do not spair in thair ordinarie sermonis and exercises, and in thair prayeris, to remember those convicted traytouris as distressit, afflicted, or persequuted bretherine, praying for thair deliverie, implying thairby us to be tyranes, and oure governament tyrannicall, to the heigh contempt of us and oure authoritie, and without all example any tyme formerlie observed in any Christeane Churche: oure will and pleasour is thairfore that, by oppin proclamatioun at the mercat croce of oure burgh of Edinburgh, and all other places neidfull, in oure name and authoritie, all and quhatsumevir ministeris of that oure kingdome be inhibited and dischairged that nane of thame presume at any tyme heirefter to remember in thair sermonis or prayeris ony of those convicted traytouris or ony other of thair bretherine quho ar in waird as guiltie of the same treasoun, nather any way mak mentioun of thame ather generallie or particularlie in any of thair publique exercises, ather of preicheing or prayer, except it be in disalowing of thair proceidingis, undir the pane of death to be inflicted with all rigour upoun suche as will presume to contravene the command of this oure present chairge: commanding heirby expreslie the Lordis of our Counsale, schireffis, bayliffis, and all uther magistratis quhatsumevir, alswele in regalitie [? als ryaltie], provestis and bayliffis of all burghis and townis, and all barronis and gentilmen of any qualitie, within that oure kingdome, that, gif any of thame be present at any such preiching or prayer quhair those traytouris and thair fellowis salbe favourablie rememberit, that incontinent, upoun the end of the sermone, they cause the minister trespassour heirin to be taikin and commited to the narrest waird, and, efter acquenting of oure Counsale thairwith, that they bring sufficient proofe and verificatioun thairof before them, to the effect the same may be condignelie punisched, and that otheris may be terrified by thair example frome commiting the lyke. And oure further pleasour
Page 65. and will is that printed copyis of this oure chairge be deliverit to

principall magistrattis, boith to burgh and landwart, and to all ministeris of any principall burghis within that oure realme, that nane do anywayis pretend ignorance thairof. Gevin at oure Court of Hamptoun Courte the xxvi day of September 1606."[1] Acta 1606-7.

[1] This extraordinary proclamation, while it attests the continued excitement in Scotland over the affair of the warded ministers and the amount of popular sympathy with them, attests also the determination of the King to persevere to the utmost in his policy of severity against them and their adherents, and to compel the Privy Council, however reluctantly, to be his instruments.—The dating of the document, "Gevin at oure Court of Hamptoun Courte the xxvi day of September 1606," is historically important. It was only six days after Andrew Melville, James Melville, and the other Presbyterian ministers who had been summoned from Scotland to confer with the King (see *ante*, pp. 228, 235, footnotes), had been admitted to kiss his Majesty's hands in the same Palace of Hampton Court, and only three days after the conclusion of that two days' conference with him there (Sept. 22 and 23), which is described thus in M'Crie's *Life of Andrew Melville*:—"They were courteously received [on the 22nd] by Archbishop Bancroft, who left the room as soon as the King entered with the members of the Scottish Privy Council. His Majesty stated at large the reasons which had induced him to send for the ministers, and concluded by intimating that there were two points on which he demanded an explicit declaration of their judgment: the one was the late pretended Assembly at Aberdeen, including the behaviour of those who had held it; and the other was the best means of obtaining a peaceable meeting of that judicatory for establishing good order and tranquillity in the Church. James Melville, after offering the compliments and congratulations which were suited to the occasion, requested, in the name of his brethren, that they might have time allowed them to deliberate on the answer which they should return to his Majesty's questions. They were required to be ready with their answers on the following day. On entering the presence chamber next day [Sept. 23], they found it crowded with the principal persons about the Court. Melville suggested to the Earl of Dunbar the impropriety of their being brought before such a promiscuous Assembly; as his Majesty might be offended at their uttering their sentiments before the English nobility according to the free manner to which they were accustomed in Scotland. But he was told that the arrangements were already made, and cautioned to be on his guard against saying anything that was indiscreet or disrespectful in the presence of such honourable strangers. The King took his seat, with the Prince on his one hand, and the Archbishop of Canterbury on the other. Around him were placed the Earls of Salisbury, Suffolk, Worcester, Nottingham, and Northampton, Lords Stanhope and Knolles, with other Englishmen of rank; besides all the Scottish nobility who were at Court. Behind the tapestry and at the doors of the apartment stood several English bishops and deans, who discovered themselves when the conversation became animated. The ministers had previously agreed to return a common answer by the mouth of James Melville. But his Majesty intimated that it behoved each individual to speak for himself; and, beginning with the Scottish bishops and commissioners, he asked them what their opinion was concerning the Assembly at Aberdeen. They all answered briefly, in their turn, that they condemned it as turbulent, factious, and unlawful. Then, addressing Melville, his Majesty said: 'You hear that your brethren cannot justify these men nor their Assembly. What say you, Mr Andrew? . . . . To this Melville replied in a speech of nearly an hour's length [defending the legality of the Assembly, and challenging the Laird of Lauriston, who was present in the conference, to declare there and then, on his honour and conscience, whether it was true, as he had alleged, that he had discharged the meeting of the Assembly by proclamation at the cross of Aberdeen the day before it met] . . . . The speeches of the other ministers agreed with that of Melville; and what was omitted by one was recollected and supplied by another . . . . An interruption by Sir Thomas Hamilton, the Lord Advocate, led to a legal argument between him and Scot on the trial of the ministers for treason . . . . [whereupon] Melville fell on his knees, and requested permission to speak a second time. Having obtained it, he gave himself up to all his native fire and vehemence . . . . Throwing aside the reserve which he had studied in his former speech, he avowed his belief of the complete innocence of his brethren, and justified their proceedings. He recounted the wrongs which had been done them on their trial, of which he was an

Acta 1606-7.

"Whereas dureing oure stay in that oure kingdome of Scotland we war evir cairfull of the advanceing of trew religioun and of the suppressing of all contrary professouris, and haveing for that purpois causit mak many severall statutis, actis, and proclamationis, aslwele aganis Jesuittis, seminarie preistis, and excommunicat papistis, as aganis thair resettairis and intertenyairis, of executeing quhairof we war evir cairfull: yit, becaus of this oure lait proceiding aganis those seditious ministeris, keipairis of that contemptuous conventicle at Abirdene, some of those papistis and preistis, as we understand, dreames to thameselffis of some oversicht, as that this busynes, in setling that misdemeanour of these ministeris and putting ordoure thairunto, might perhappis divert us frome haveing any regaird of thame altogidder; quho, being heirby embauldned, hes not spaired of lait to kyith moir oppinlie then evir they durst do before-tymes: and as we understand thair is daylie resorte of Jesuittis and seminareyis thither, quho ar verie busie with personis of all qualiteis in that oure kingdome, preissing to draw thame to thair erroneous faith and doctrine. Quhairin, howevir we have had aganis that handfull of those obstinat seditious ministeris for that thair contemptuous meitting at Abirdene moist just caus of wraith, yit thair personall offence moved us nevir to dislyke thair functioun or any of the same quho wer weill disposed; nather wes our former resolutioun of suppressing and ruitting out of that popische antichristeane doctrine anyway impaired or relented by the fault of those ministeris, bot, as no doubt all oure guid subjectis ar in thair myndis fullie perswaidit of oure integritie and sinceritie in the professioun of the trew religioun, so do we evir intend to set fordwart all thingis that may advance Godis glorie and suppres the enemeyis of the same. And thairfore oure pleasour and will is that a diligent regaird be had by oure Counsale of that oure kingdome to put all oure lawis, statutis,

Royal Proclamation to contradict the impression that his Majesty's recent action against the ministers charged with the "conventicle" at Aberdeen implies any abatement of his zeal against Jesuits and Popish priests, and ordering strict execution of the laws against all such found in Scotland.

eye and ear witness. Addressing the Lord Advocate, he charged him with having favoured trafficking priests, and screened from punishment his uncle, John Hamilton, who had been banished from France, and branded as an incendiary by the Parliaments of that kingdom, while he employed all his craft and eloquence to convict the unoffending and righteous servants of Christ. The Arch-Enemy himself, he said, could not have done more against the saints of God than he had done against these good men at Linlithgow; and, not contented with the part which he had then acted, he behoved still to show himself ὁ κατηγορος των ἀδελφων. At this expression the King, turning to the Archbishop of Canterbury, exclaimed 'What's that he said? I think he calls him Anti-Christ. Nay, by God; it is the Devil's name in the Revelation of the well-beloved John.' Then, rising hastily, he said, 'God be with you, Sirs.' But, recollecting himself, he turned round to the ministers, and asked them what advice they had to give him for pacifying the dissensions raised in the Church; to which they replied with one voice '*A free General Assembly.*' The ministers were dismissed."—The rumour of this conference at Hampton Court, and especially of the boldness of Andrew Melville, made a great impression among the Londoners and the English Puritans generally; and the consequences, on the King's part, were immediate. In the first place, Melville and his seven Presbyterian colleagues were charged not to return to Scotland, and not to approach his Majesty or the Court again without special leave; and, in the second place, the present proclamation was despatched, to intimate to all Scotland how little his Majesty had been shaken in his resolution by Melville's audacity or his arguments.—See, in this connection, among *Royal and other Letters*, the King's letter of same date, "Hampton Court, 26th September 1606."

and proclamationis maid for staying the incres of papistis, for apprehending of Jesuittis, seminareyis and excommunicat papistis, and for punischeing of thame, and suche as sould athir ressett or interteny thame, to dew executioun with all rigour and severitie: willing everie Bischop within his awin dyocie, and ilk presbiterie within the awne boundis, to learne out quhair they may be any just caus of complaint thairof, and to certifie oure Counsale of the same, to the effect they may tak exact ordoure thairwith and inflict the dew punischement upoun the offendour quhiche by the lawis [is] prescryved. And heirof oure will is that publicatioun be maid by oppin proclamatioun at the mercat croce of Edinburgh, and all uther places neidfull, that nane pretend ignorance of the same, and that suche as hes gone astray may conforme thameselffis in dew tyme,—utherwyse to expect the extremitie of the law to be execute aganis thame. Quhairin we wald haif those quhois chairge it is to proceid with ecclesiasticall censure aganis contrarie professouris to have ane speciall cair of thair dewtie in that point; and, as we sal have notice gevin to us of any suche personis, we sall with oure sword of justice minister the rigour of the law aganis thame. Gevin at oure Court of Hamptoun Courte the xxvi day of September 1606."[1] Acta 1606 7. Page 66.

Linlithgow, 23rd October.

Sederunt—Chancellor; Hammiltoun; Angus; Linlithgow; Abircorne; Balmerinoch; Master of Lowtheane; Master of Elphingstoun; Bishop of Ros; Bishop of Dunkeld; Murdocairny; Justice Clerk; Privy Seal; Collector; Quhittinghame; Cranstounriddell; Clerk of Register; Sir Johnne Arnot.

Order by the Council, in virtue of a letter from the King, to the eight ministers now in ward for their concern in the Aberdeen "conventicle" to repair to certain districts and remain there till licensed by his Majesty to leave the same, under pain of death.

"Forsamekle as the Kingis Majestie, following his accustumat naturall dispositioun and inclinatioun to mercy, haveing this haill yeir bigane foirborne to declair his Majesteis will aganis Mr Charlis Ferme, Mr Johnne Monro, Johnne Ros, Mr Robert Youngsoun, Mr James Irwing, Mr William Forbes, Mr James Greg, and Mr Nathane Inglis, who, by a decrite of the Lordis of Prevey Counsale beiring dait xxiiii day of October last bypast, wer decernit and ordanit to be punist at his Heynes will

[1] The fact that this proclamation accompanied the last into Scotland, bearing the same date, "Hampton Court, 26th September 1606," proves that at least one part of Mr Andrew Melville's oration before his Majesty three days before,—that as to the leniency shown to excommunicated Roman Catholics and seminary priests in Scotland, in comparison with the severe treatment of the offending Presbyterian ministers (see last footnote),—had produced some effect. But, indeed, this complaint had been general throughout Scotland for some time. Especially noted was the case of Mr Gilbert Brown, Abbot of New Abbey, near Dumfries, long an agent for Spain and the Papacy in that part of Scotland. In August 1605, he had been "taikin about Newabbey by the Laird Cranstoun, not without perrell from the country people, who rose to rescue him out of his hands" (Calderwood, vi. 295); he had been a fellow-prisoner for a day or two with the offending Presbyterian ministers in Blackness Castle; but, having been transferred thence to Edinburgh Castle, he had been kept there at the public expense, till, "in end [November 1605], having all his idolatrous relicts, croces, agnus-deis, &c., restored to him, he was sett at libertie, and permitted to embark at Leith, not without appearance of saying mass in Edinburgh" (Calderwood, vi. 367–368).—See, in connection, among *Royal and other Letters*, the King's letter to the Council mentioned in last note.

cta 1606-7. and pleasour for thair insolent and contemptuous keiping and halding of ane conventicle, undir pretext of a Generall Assemblie, at the burgh of Abirdeyne, upoun the secund day of Julii the yeir of God j vi^{c} and fyve yeiris, his Majestie evir hoiping that they sould have acknawledgeit thair offence and humelie craved his Heynes pardoun for the same; bot seing his Majesteis grite lenitie and lang suffering hes producit nothing in thame bot ane obstinat and wilful continewance in thair stubborne and contemptuous humoure and errour, and his Majestie foirseing that impunitie mycht gif occasioun to utheris to commit the lyke insolence heirefter: thairfore his Majestie, by his letters patent signed with his awne hand, hes declairit his will aganis the saidis personis in maner following:— to witt, that the said Mr Charlis Ferme salbe confyned to the boundis of the Ile of Bute, the said Johnne Ros to the Ile of the Lewis, the said Mr Johnne Monro to the boundis of Kintyre, the said Mr Robert Youngsoun to the boundis of the Ile of Arrane, the said Mr James Irwing to the boundis of the Ilandis of Orknay, the said Mr William Forbes to the boundis of the Illis of Zetland, the said Mr James Greg to the boundis of Caithnes, and Mr Nathane Inglis to the boundis of Suthirland: as the letter foirsaid, contening the declaratioun of his Majesteis said will, of the dait at Hamptoun Court, the xxvi day of September last, beiris. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct chairgeing officeairis of airmes to pas and mak intimatioun and publicatioun heirof
Page 67. to the saidis personis, quhairthrow they pretend na ignorance of the same, and to command and chairge thame and every ane of thame to conforme thameselffis to his Majesteis said will, and to prepair thameselffis within the space of ane moneth to repair to the boundis particularlie abonewrittin, and not to depairt thairfra without licence of his Majestie according to his Heynes said will, undir the pane of death." [Follows the King's letter in these terms:—]

"Quhairas, by a decrite of oure Secrite Counsale of the dait at Edinburgh the xxiiii day of October last bypast, Mr Charlis Ferme, Mr Johnne Monro, Johnne Ros, Mr Robert Youngsoun, Mr James Irwing, Mr William Forbes, Mr James Greg, Mr Nathane Inglis, war, for the holding of a contemptuous conventicle undir pretext of a Generall Assemblie, decerned to be punished, as committeris of suche ane insolent ryott, at oure will and pleasoure, and hithirtillis, upoun hoip of thair resipiscence, we haveing absteyned frome declaratioun of oure will: quhairof finding no effectis bot thair still continewance in thair accustumat stubornes, thairfoir by thir presentis we declair oure will that the said Mr Charlis Ferme salbe confyned to the boundis of the Ile of Bute, the said Johnne Ros to the Ile of the Lewis, the said Mr Johnne Monro to the boundis of Kintyre, the said Mr Robert Youngsoun to the boundis of the Ile of Arrane, the said Mr James Irwing to the boundis of the Iyllis of Zetland, the said Mr James Greg to the boundis of Caithnes, the said Mr Nathane Inglis to the boundis of Suthirland,—thair to keip waird and exerce the functioun of thair ministerie, keip and observe oure lawis

quhilkis sulbe set doun als wele for the civile as ecclesticque governa- Acta 1606-7.
ment, and that they prepair thameselffis within the space of ane moneth, undir the pane of deid, and not to depairt thairfra without oure speciall licence undir the said pane. Gevin at oure Courte of Hamptoun Court the xxvi day of September 1606."[1]

[1] This order of Council from Linlithgow, 23rd October 1606, takes its origin, like the last two entries, dated at Leith 30th September, from instructions by the King from Hampton Court immediately after his abortive conference there with Andrew Melville and the seven other select Presbyterian ministers who had been called south for ecclesiastical consultation.—On referring to the Royal Letter from Hampton Court of date 26th September given among the *Royal and other Letters*, it will be seen that the King had then sent Secretary Balmerino north with the following, among other, missives :—(1) An intimation of his Majesty's will concerning the six ministers who had been convicted of treason in the preceding January for their *Declinator* of the royal jurisdiction, and had since then been lying in prison as men capitally condemned ; (2) a similar intimation respecting the other eight ministers warded for their concern in the Aberdeen Assembly, but who had not been brought to trial for treason ; (3) a Proclamation forbidding prayer for any of the warded ministers ; (4) a Proclamation for enforcing the laws against Papists and Jesuits. Nos. 3 and 4, as we have just seen, had been disposed of at the meeting of the Council at Leith on the 30th of September, so far at least as the minuting of the Proclamations in the Council Books was concerned, though they may not actually have been published till later. But not till our present date, October 23, do we see No. 2 taking effect, while of No. 1 there is still no mention.—The explanation is given by Spotswood when he informs us (p. 499) that, "the conference [at Hampton Court] breaking up in this sort, and matters made worse rather than better, his Majesties pleasure concerning the warded ministers, which to this time had been delayed, was signified by two several letters to the Council and Justice." In other words, No. 2 of the foregoing had been addressed directly to the Council, by whose sentence the eight ministers whom it concerned had been warded ; but No. 1 had gone to the judge who had presided over the trial of the six convicted of treason [Mr William Hart: see *ante*, p. 163–4, footnote]. According to Spotswood this missive, No. 1, had run thus:—" Whereas, in our justice court holden at Linlithgow the 10th of January last, Mr John Forbes, minister of Awford, Mr John Welch, minister at Aire, Mr Robert Dury, minister at Anstruther, Mr Andrew Duncan, minister at Crail, Mr Alexander Straghan, minister at Crech, and Mr John Sharp, minister at Kilmeny, were convicted of the crime of treason for their contemptuous and treasonable declining of the judgment of Us and the Lords of our Secreit Councell, by a declinatour subscribed with their hands and presented in judgment before the said Lords, and that the pronunciation of the doom was, upon grave and weighty respects, continued till our pleasure was declared : We now, considering the great insolency committed by them, and how dangerous the example of such a fact may prove if it should goe unpunished,—especially since We, of our accustomed lenity, have given to these declared traitours more than sufficient time to have acknowledged their offence and made sute for our pardon, and that yet nothing hath appeared in them but an obdured obstinacy without any token of resipiscence, —albeit the greatness of the offence in men of their function, whose actions should be a pattern of duty and obedience to others, hath demerited most justly the extremity of punishment appointed by law, yet, according to our wonted clemency, being willing to dispense with the rigour of the law at this time, and not to inflict the punishment of death upon them : Our will and pleasure is that you affix a justice court at Linlithgow, or any other place our Councell shall appoint, the 23rd of October, and then *cause doom of banishment furth of our dominions during their naturall lives to be pronounced against the said traitours.* After which you shall return them to their wards, there to remain for the space of a moneth, till they have made their preparations to depart ; before the expiring whereof if they doe not depart, wind and weather serving, or, being departed, shall return unto our dominions without our licence, the ordinary death usually inflicted upon traitours shall be executed upon them. And, because this our clemency extended towards these abovenamed may perhaps move others to think that for trespasses of this quality no greater rigour will herafter be used, to remove all such conceits, and that notice may be taken of our full determination in the like case, you shall in open court make intimation to all the lieges that, if any

Acts 1606-7.

As, though Johnne Dow McGillichallum Stewart, and Allaster, his brother, are "fugitives and outlawis for vyld and abhominable murthouris and otheris odious crymes," yet they haunt publicly the country of Athoill, and as they are persons for whom the Earl of Athoill is answerable, there is order to charge him, under pain of rebellion, to enter them before the Council on 20th November next, so that they may be delivered to the Justice, and also to appear himself the said day to answer for the "present misreull within the cuntrey of Athoill and the ordinair intercourse quhilk the brokin men within the west and north heylandis hes within the boundis of Athoill, and to gif his avise and opinioun how that misreull and intercourse may be stayed."

Charge to the Earl of Atholl to enter two of his men, and to answer for the misrule in the bounds of Atholl.

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Albeit direction had been given to the Constables of the Castles of Edinburgh, Blaknes, Striveling, and Downe, to keep the ministers warded with them in sure and strict ward, yet the ministers in the castles of Striveling and Downe "hes had free libertie at all tymes to repair furth of thair wairdis" and to resort to presbyteries and synods at their pleasure, and free access has been granted to all persons to intercommune with them and with the ministers in the other castles, and to carry letters to and from them. There is order therefore to charge the Constables of the said Castles to answer to the premisses before the Council on 20th November next, under pain of rebellion.

Charge to the Constables of Stirling and Doune to answer for not keeping the warded ministers in strict confinement.

In respect of the "continewance of the contagious seiknes of the pest" in Edinburgh and some places near, the Lords prorogate the convening of the Session and Commissaries of Edinburgh to 1st December next, and ordain all criminal trials before the Justice to lie over till that day. They also appoint the next Council meeting to be held, God willing, at Edinburgh on 20th November next. Proclamation to be made accordingly.

Continuation of the Session and other judicatories on account of the plague in Edinburgh.

Page 69.

Sir Johnne Arnote, treasurer depute, ordained to "mak dew and tymous provisioun of schipping and otherwyse for the transporting of the ministeris aganis quhome his Majestie hes declairit his will furth of this realme, and to the pairtis and placeis quhairunto they ar confynned."

Transportation of the condemned ministers to their several places of banishment.

"The Lordis of Secrite Counsale ordanis Mr Johnne Prestoun of Pennycuke, collectour, and Sir Johnne Arnot, thesaurer depute, to examine Mr Johnne Forbes and Mr Johnne Welshe, ministeris, be quhat meanis the letter quhilk thay and the rest of thair wairdit bretherine send to the Kingis Majestie wes subscryvit, who wer the procureairis and gettairis of

Order for the examination of Mr John Forbes and Mr John Welsh, as to a letter sent by them to the King, and of Mr Charles Lumsden as to a petition intended for Parliament.

hereafter shall offend in such an high trespass, they shall be punished with all severity, and the death due unto traitours be inflicted upon them with all rigour, the example of our present lenity notwithstanding. And that it is our will you cause to be recorded in your Books of Adjournall, and publication made thereof at the market cross of Edinburgh and all other places needfull."—The Privy Council, charged with the execution of the King's will against the eight minor culprits, had waited for this pronouncing of doom against the six greater culprits on the appointed 23rd of October; and hence it was that the two sentences went out that day together,—the sentence of banishment for life against the six, pronounced in court by the Justice at Linlithgow, and the sentence against the eight of seclusion in remote districts and islands of Scotland, pronounced by the Council assembled in the same town. Only the latter sentence is recorded in the Books of the Council; but the former, of course, made the greater impression at the time.

thair subscriptionis and past athorte thame for that effect, and be quhome the said letter wes formed, pennit, and writtin, as alsua to examine Mr Charlis Lumisdane be whose directioun he write the supplicatioun quhilk sould have bene gevin in to the Parliament in name of the wairdit ministeris, and who pennit and formed that supplication, and to reporte thair answer and depositionis to the Counsale." Acta 1606-7.

Act for the stricter keeping of prisoners committed to ward for heinous crimes.

"Forsamekle as the bipast libertie and oversight quhilk personis committit to strait waird for haynous and heich crymes and offenssis hes found in thair keipairis, to ressave and direct letters and writtis frome thair wairdis at thair pleasour, hes not onlie bene ane hinder and prejudice to the dew tryell and cleiring of the crymes and offenssis for quhilkis they war wairdit, and hes verie oft obscured the certane treuth of the same be sinister constructionis and apologeyis quhilkis they disperce and gif out anent thair awne innocencie and justificatioun of the crymes objectit aganis thame, bot lykwyse hes bene the meanis and occasioun that sindrie of the saidis personis wairdit hes brokin waird and eschewit the punischement dew to thair desertis: For remeid quhairof in tyme cuming, the Lordis of Secrite Counsale commandis and ordanis the haill capitanes, constablis, and keipiaris of all castellis, prisonis, and wairdis in this kingdome, that in no tyme cuming they suffer or permit ony letters or writtis to come or gang to and fra ony personis commitit to thame in strait waird for heich crymes and offenssis, quhill first the same letters be presentit to his Majesteis Secretair and sene be him, undir the pane of death."

Charge to the Captains of certain castles to keep the warded ministers in strait durance.

Recapitulation of the charge given (*ante*, p. 263) to the keepers of the Castles of Downe and Striveling, with extension now to those of the Castles of Edinburgh, Blaknes, and Dunbertane, and with order to charge the said keepers not to suffer the warded ministers to repair furth of the castles or any person to have access to them, as they will answer at their highest peril. Page 70.

Decree against the Abbot of Melrose for remaining at the horn for not fulfilling a contract to Alexander Ker.

Complaint by Alexander Ker, apparent of Newhall, that James, Commendator of Melros, remains unrelaxed from the horning executed against him on 27th June last for not fulfilling to complainer, as assignee to Robert, Lord of Roxburgh, a contract made between the said Lord on the one side and the Abbot, and dame Helenoure Scot, his spouse, on the other part, dated 30th October 1597, and specially for not redeeming a yearly annualrent of 40 bolls bear by paying to the complainer 2000 merks for which the same was redeemable, together with the byrun annuals owing since the date of the said contract.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend the defender, and seize and inventory his goods, for his non-compearance. Page 71.

Decree against William Gordon for lying at the horn for debt.

Complaint by Mr Williame Ord, burgess of Aberdene, that William Gordoun of Toux remains unrelaxed from the horning executed against him on 20th August last for not paying complainer 120 merks and six bolls of victual yearly for the profit thereof, together with 5 merks 6s. 8d. —Complainer appearing by Samuell Ord, his procurator, there is decree as in last Act against the defender.

Acta 1606–7.

Complaint by James Roger, tailor, burgess of Edinburgh, that James Wast in Carlowrie remains unrelaxed from the horning executed against him on 7th October 1603 for not relieving complainer, as surety for him at the hands of James Don, servitor to Mr Oliver Colt, advocate, of all payment of 200 merks as principal and 40 merks as expenses.—Com- Page 72. plainer appearing personally, there is decree as in last Act against defender. Decree against James West for not relieving James Roger as his cautioner.

Complaint by James Scrymgeour of Fairdaill that Andro Moncur of that Ilk remains unrelaxed from the horning executed against him on 4th instant for not paying complainer 1000 merks conform to his obligation, and for not, along with Andro Ogilvy, burgess of Perth, fulfilling the contract, dated 17th January last, made between the said Andro, Andro Moncur, fiar, his son, and said Ogilvy, on the one part, and the complainer Page 73. on the other part.—Complainer appearing personally, but Andro Moncur of that Ilk failing to appear, there is warrant to the Captain of the Guard to apprehend him and inventory his goods. Decree against Andrew Moncur for debt.

Complaint by William Wallace, tailor, burgess of Edinburgh, that Sir Neill Montgomerie of Langschaw, and Neill Montgomerie, his son, apparent thereof, remain unrelaxed from the horning executed against them on 2nd December 1605, for not paying complainer 400 merks conform to their obligations, and also £200 as principal with £40 for Page 74. expenses.—Complainer appearing personally, there is decree as above against defenders for non-compearance. Decree against Sir Neil Montgomery and his son for debt.

Complaint by Edward Hoip, brother and executor dative of the late James Hoip, servitor to deceased Mr Johnne Nicolsoun, advocate, that Mr Henry Sinclair, provost of the College Kirk of Rosling, remains unrelaxed from the horning executed against him upon 18th June last for not paying to complainer, as executor dative foresaid, £146, 13s. 4d. as principal and £40 for expenses, conform to his obligation to the said James Hoip, of date 3rd November 1603.—Complainer appearing by his procurator, Page 75. there is decree as in last Act against defender for non-compearance. Decree against Mr Henry Sinclair for debt.

Complaint by Mr Williame Hairt of Prestoun, principal justice depute, that Sir Robert Scot of Thirlestane remains unrelaxed from the horning executed against him on instant for not paying complainer £1000 as principal with £100 for expenses.—Complainer appearing personally, there is decree as in last Act against defender for non-compearance. Decree against Sir Robert Scott for debt.

Page 76. Complaint by Hary Weymes of Drone that Hary Stewart of Cragyhall remains unrelaxed from the horning executed against him on 27th June last for not relieving complainer, as his cautioner, at the hands of James Kay, advocate, of all payment of 1000 merks as principal with 200 merks for expenses.—Complainer appearing personally, there is decree as in last Act against defender for non-compearance. Decree against Stewart of Craigyhall for not relieving Wemyss of Drone as his cautioner.

Complaint by William Reid of Tormonthill that, on September last, Sir James Bellendane of Brochtoun, accompanied by his servants, came at night to complainer's house, broke up the doors, and carried him Page 77. out of his bed to the tolbooth of the Cannogait, where he yet remains as William Reid against Sir James Bellenden for illegal arrest and imprisonment.

captive.—Sir James now appearing and presenting the complainer, and stating that he took him as "allegeit gilty of commoun thift," the Lords ordain Sir James to release his prisoner, on his finding caution in £200 to underlie the laws for the said crime. Acta 1606-7.

Decree against Thomas Anderson for lying at the horn for debt.

Complaint by Williame Wilsoun, tailor, burgess of the Cannogait, that Thomas Andirsoun in Torrieburne remains unrelaxed from the horning executed against him on 10th instant for not relieving the pursuer, as cautioner for him, at the hands of James Currie, younger, mealman in Leith, of all payment of £160 as principal and £80 for expenses.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend the defender and seize and inventory his goods for his non-compearance. Page 78.

Decree against John Johnston and certain others for lying at the horn for not removing from the lands of Jean Dinwiddie, as decerned.

Complaint by Jeane Dinwiddie that Johnne Johnnestoun in Howgill, Willie Johnnstoun, his son, Lowrie Craik, Nickie Smyth, Jok Johnnstoun, called Sauchtreis, Thome Johnnstoun, called Marten's Thome, Jok Johnnstoun, called Howgill's Jok, Syme Johnestoun, called Marten's Syme, Rob Johnnstoun in Howtoun, Rob Johnestoun in Kirkhill, James Moffett in Braysyde, Stephane Smyth, Jok Johnnstoun in Kirkhill, Robert Dinwiddie in Snab, Johnne Dinwiddie, Johnne Johnnstoun in Kirkhill, Mathew Smyth, Willie Smyth, Mathew Dinwiddie in Howtoun, Nickie Johnnstoun, called of the Mylne, Johnestoun, son of Jok Johnnstoun of Hungriehillis, Johnestoun, his mother, Androw Smyth, Gawin Johnnstoun, Adame Johnnestoun, called Marten's Adie, Johne Johnnstoun of Cartertoun, Rob Wilkene, Archie Phareis, Johnne Smyth, Syme Johnnstoun, called Laird's Syme, Androw Clark, Johnne Murdoch, Johnne Clark, Jok Murdoch, Rob Grahame, called Rob of Gillisbie, James Grahame in Mylne, Agnes Grahame in Dinwiddie, Johnne Dinwiddie in Burne, and Cristie Johnnstoun in Orchardsyde, remain unrelaxed from the horning executed against them upon 22nd July last for not flitting from the 40 merkland of Dinwiddie of old extent, belonging to complainer as heretrix, conform to a decree of removing obtained by her against them before the Lords of Council and Session, dated 7th March last, and for not paying to her certain sums of money, as the violent profits of the said lands.—Complainer appearing by Johnne M°Myne, her procurator, but none of the defenders appearing, there is warrant to the Captain of the Guard to apprehend them and seize and inventory their goods. Page 79. Page 80.

King's Advocate against Kennedy of Ardmillan and Mure of Auchindrane for the reset of William Kennedy, a rebel: Kennedy assoilzied and Mure denounced.

Complaint by Sir Thomas Hammiltoun of Monkland that, although Williame Kennedy of Garsoir had been put to the horn for not answering touching his besieging of the house of Auchinsoull and treasonably burning of the same, and for invading dame Jeane Flemyng, Lady Cassillis, and her company, and taking them as prisoners, he not only remains as yet unrelaxed, but resorts to public places as if he were a free subject, and is resetted and entertained by Thomas Kennedy of Ardmillane and Johnne Mure of Auchindrane, who ought therefore to be answerable for his entry.—Complainer appearing by Sir Johnne Arnote, Page 81.

Acta 1606-7.

treasurer-depute, and Thomas Kennedy being also present, the Lords assoilzie Kennedy, because he has declared by his great oath that, since the time of the charge given him, *i.e.*, 10th instant, the said Williame has not been resetted by him, though he confesses that before the date of the charge he had been in his company. Mure, failing to appear, is to be denounced rebel.

Decree against George Martin for remaining at the horn as debtor to John Martin.

Complaint by Johnne Mairtene, younger, son of Johnne Mairtene, elder, burgess of Edinburgh, that George Mairtene of Cardoun remains unrelaxed from the horning executed against him on 29th January last for not paying complainer, as assignee to his said father, £40 as principal and £5 for expenses.—Complainer appearing personally, there is warrant

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to the Captain of the Guard to apprehend the defender and inventory his goods for non-appearance.

Suspension of horning against Mr Alexander Yule, schoolmaster of Stirling, for not accepting the office of quarter-master in that burgh during the Plague.

Complaint by Mr Alexander Yule, schoolmaster of Striveling, as follows :—He has been lately charged by the provost and baillies of the burgh to accept, under pain of rebellion, the office of quarter-master during the "continewance of the plague of pestilence within that burgh." Now, by his "office and chairge of the scule of the said burgh," he is "previledgeit and exemit fra all uther publict office, functioun, and chairge within the same," and "the verie nature of the said complenairis chairge and office importis a liberatioun and fredome fra all uther burdyn or chairge." Even had he not so been exempted, "yit he cannot be haldin to accept ony sic burdyn or chairge of ane quarter-maister upoun him," because he "exerceis na libertie, fredome, nor priviledge of a burges within the said burgh, hes na traffieque, trade, nor handling within the same, is not nor nevir wes upoun the Counsale of the said burgh, and hes na melling in thair publict and commoun affairis." As, however, he has found caution to accept the said office if bound to do so, the said horning

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should be suspended.—Complainer appearing, but Johnne Murray of Touchadam, provost, Johnne Fischeair, Archibald Smyth, and Johnne Cunynghame, bailies of Striveling, being all absent, though charged to appear, the Lords do suspend the horning.

Suspension of horning and modification of pains in law-burrows against the Laird of Fairny and his sons.

Complaint by William Fairny of that Ilk, and James, younger, and George, his sons, that they have been charged by James Falcouner spouse of Margaret Beattoun, conjunct fiar of the lands of Cumoquhy, to find caution, under pain of rebellion, for his indemnity, William and James in 2000 merks each and George in £500. Now, the said penalties are "verie extraordinair and grite," Williame being a "gentilman of a verie meane leiveing," whose yearly rent exceeds not 30 chalders of victual, and his said sons having nothing except what their father allows. As,

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however, they have found caution as charged, the said horning should be suspended.—James Fairny appearing for himself and the other complainers, but defender failing to appear, the Lords do suspend the horning, ordain the 2000 merks found by the father to stand, but modify the sum for James to £1000, and that for George to 500 merks.

Complaint by Robert Hepburne of Auldirstoun that, although he has

Robert Hepburn, lieutenant of the Guard, against the Earl of Angus, for resetting the Countess of Atholl, a rebel, in Tantallon.

warrant, as Lieutenant of the King's Guard, to apprehend Dame Marie, Countess of Athoill, long ago denounced for not paying to James Stewart in Edinburgh "certan grite sowmes of money," yet, in respect she is resetted by the Earl of Angus in his castles of Thometalloun and Douglas, he cannot execute his commission.—Charge had been given to the Earl of Angus, and to Johnne Douglas, captain of Thometalloun, to deliver the Countess to the complainer or else to enter her before the Council; and now, Hepburne and the Earl appearing, the Lords ordain the defenders to deliver her to the pursuer, that she may be transported to Edinburgh Castle,—Stewart to provide, at his own expenses, a litter with horses for her removal. Acta 1606-7. Page 85.

Suspension of horning obtained against James Stewart, burgess of Glasgow, by the magistrates thereof.

Complaint by James Stewart, merchant, burgess of Glasgow, as follows:—On his return from England, where he had been occupied in the Duke of Lenox's affairs, and while he was passing to his own house in said burgh, charge had been given to him to enter in ward in Perth, under pain of rebellion. Now, the letters had been raised against him while he was in England, by the "sinister informatioun" of the provost and bailies of Glasgow, to the effect that he had been one of those who had "perturbit the peciable estate of the said citie" (*ante*, p. 240). As he had not been called to answer before the issuing of the said letters, and as the burgh of Perth is at present visited by the plague, he prays that the said letters may be suspended, or at least that he may be warded in the burgh of Linlithgow along with the other inhabitants of Glasgow warded there for the offence charged against him (*ante*, p. 247).—Charge had been given to Sir George Elphinstoun of Blythiswoode, provost, and William Andirsoun, Robert Rowat, and Mathew Trumble, bailies, of Glasgow, to answer; and now, complainer appearing, but none of the defenders, the Lords do suspend the said letters. Page 86.

Edgar of Wodderly and others against Home of Bassindean and others for violence and spuilyie.—Decree of absolvitor.

Complaint by Robert Edzeir of Wodderlie, Margaret Edzer, his daughter, Harbert Nicolsone, Johnne Dalgleische, Johnne Hucheoun, Harbert Ruthirfurd, and Andro Haitlie, his servitors, as follows:—In September last, Archibald Home in Leigaitwod, Mr Robert Seytoun, brother of the Laird of Towch, and Johnne Burd, servitor to George Home of Bassindane, with others, all armed, came to the lands of Deringtoun, where the pursuer's said servants were "teinding his coirnis," and there assaulted them, wounded Dalgleische, cut the "rigwiddie of the sledis" with which they were teinding the said corns, and would have reft the same if they had not been stopped. Again, on instant, the said defenders, accompanied by the said George Home, Alexander Home of St Leonardis, Archibald Home, his brother, Johne Home in Lawder, Frances Wilkiesone there, Mr George and Mr Robert Homes, called of Carrelsyde, William Pringle in West Port, William Pringle, son of William Pringle, burgess of Edinburgh, William Walker, messenger, Robert Bruntfeild, son of Stevin Bruntfeild of Greneladene, Adam Bruntfeild of Gordounmains, Andro Home, brother of Laird of Bassindane, James Haistie in St Johne's Chapel, Johnne Darlene in the Kirklands of St Leonairdis, Page 87.

Acta 1606-7. Niniane Gibsoun in Brikansyde, Johnne Ellem, younger, in Bassindane, Robert Alexander in Gordoun, Johnne Cairnecors in Ersiltoun, Johnne Hog in Brikansyde, William Scheill in St Leonardis, Robert Cairnecors, called Mekle Hobie, George Cairnecorce, son of Nicoll Cairnecorce of Heilslope, and James Lawder, with convocation of the lieges to the number of forty persons, all armed with jacks, lances, long staves, swords, gauntlets, steelbonnets and other weapons, came to the lands of Drydenlawis, belonging to the said Laird of Woddirlie, and there spuilyied a great quantity of corns belonging to him, carrying the same away in carts and wains to the place of Bassindane, assaulted his said servants, leaving the said Johnne Hucheoun and Harbert Rutherfurd for dead, and ran the said Margaret through the hand with a lance.—The Laird of Woddirlie appearing for himself and the other complainers, and the defenders being
Page 88. also present, the Lords assoilzie all the defenders, because the pursuers have failed in their probation. They also ordain George Home of Bassindane, Alexander and Archibald Homes in St Leonairdis, and Mr Robert Home of Carrelsyde, to find caution for the indemnity of the Laird of Woddirlie and Mr Thomas Cranstoun of Morestoun, George Home in 2000 merks and each of the others in £500.

John Craib against the sheriff deputes of Banff for illegal arrest and imprisonment.

Complaint by Johnne Craib, younger, cordiner in Inchestomach, that James Lawtie and Johnne Sinclair, sheriff-deputes of Banff, have illegally committed him to ward in the tolbooth of Banff and kept him there these divers days past.—Charge had been given to Sir Waltir Ogilvy of
Page 89. Findlatir and the said deputes to answer; and now, complainer appearing by Mr William Levingstoun, his procurator, and Ogilvy and Lawtie appearing personally, and these latter having alleged that Craib had been taken red-hand in slaughter, and Levingstoun having replied that Craib had obtained an advocation from the sheriff of Banff before the Lords of Council and Session, and that therefore Craib should be either released or entered before the said Lords, the decree is that Craib be kept by the said sheriff and his deputes till the said advocation shall be discussed.

Edinburgh, 10th Nov.[1]

As the first Thursday after Martinmas, viz., 13th instant, had, upon 7th August last, been assigned by the Council to Robert, Lord of Rox-

Diet for removal of the feud between Lord Roxburgh and Sir Robert Ker and others prorogated from 13th to 20th November.

[1] The six ministers condemned to banishment for life on the preceding 23rd of October (*ante*, p. 262, footnote) were already gone. "Upon the sixt of November, about foure afternoone," says Calderwood, "they were desired to come to the boat which was prepared for them by the water bailiffe of Leith and Edinburgh. They came, accompanied with some of their dearest friends and wives, to the peere. Mr John Welshe conceaved a fervent prayer upon the shore of Leith. The prayer being ended, they tooke good night of their freinds, wives, and acquaintance, entered in the boat, remained a good space waiting on the skipper. Becaus he wes not readie that night to goe aboord, the water bailiffe desired them ather to goe aboord and ly in the shippe that night without the skipper, or ellis to goe to their loodging and to be readie at the nixt call. They choose rather to goe to their loodging,—and that not without a providence; for that night there fell furth suche a storme that the shippe was forced to ly in Kingorne Raid all that night. They were called on again by two houres of the morning; manie people were attending on their boating. Prayer being conceaved as of before, they embarked with singing the 23rd Psalme. The people were muche moved with their exhortations and prayers; prayed

burgh, on the one part, and to Sir Robert Ker of Ancrum, William and Thomas Keris, his brothers, and Williame Ker, sometime of Snadoun, on the other part, for appearing and submiting their feud to arbitration, and as all diets before the Council are continued to 20th instant, the Lords, "haveing a speciall cair and regaird that this mater, quhilk his Majestie hes sa earnistlie recommendit unto thame, sall not be neglectit and oursene," prorogate the diet for this matter from 13th to 20th November. Acta 1606-7. Page 90.

Edinburgh, 20th Nov.

Sederunt—Chancellor; Abircorne; Lowtheane; Elphingstoun; Balmerinoch; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Halyruidhouse; Master of Lowthiane; Master of Elphingstoun; Justice-Clerk; Privy Seal; Quhittinghame; Cranstounriddell; Bruntiland; Sir Johnne Arnot; Conservator.

Proclamation for the preservation of game in certain districts for his Majesty's pastime, in prospect of his intended visit to Scotland next spring.

As his Majesty has "resolvit, God willing, to honnoure this his Heynes native and ancient kingdome with his Heynes royall presence this nixt spring, and thairby to satisfie the hoipis and wischeis of his Majesteis guid subjectis, quho so earnistlie desyris the conforte of his Majesteis presence," and as, "besydis the grave and princelie affairis of estaite quhairwith his Majestie will sumtymes be occupyit, his Heynes will lykewise mak choise of certane tymes for his recreatioun and pastyme in every pairt of this kingdome quhairunto it sall pleis his Majestie to repair," and as it is therefore necessary that "his Majesteis gayme and pastyme in hunting be preservit and keipit in all pairtis ewest the placeis of his Majesteis awne proper residence," there is order for proclamation at the market crosses of Edinburgh, Linlithqu, Striveling, Dunfermling, Falkland, Forfair, Brechin, and Monrois, that none, of whatever rank or condition, "mak ony spoyll af his Majesteis gayme, nor to hunt nor slay hairis with houndis, schute gunes, nor utherwyse," within six miles of the first four of the said burghs, or in the King's forest of Murremonth, under pain of warding, and of fine according to the contravener's rank and quality. Page 91.

Charge to certain landlords of the "late Borders" to appear before the Council and give their best advice for establishing peace and justice there.

Although his Majesty "bestowis grite chairgeis and expenssis in the intertenying of Commissionairis and ane garisoun upoun the lait Bordouris of this kingdome for reduceing of thame to quietnes and obedyence," yet "the nomber of complenairis daylie sustening skaith, and the nowmer of fugitives and outlawis within the saidis boundis, committairis of the skaith, is verie great," and the said fugitives, instead of being "persewit and punist" as they ought to be, find "resset and intertenyment verie frequent and commoun, alswele within the boundis of the said lait Bordouris and in other pairtis of the in-cuntrey, be the countenance, oversicht, knawledge, and tollerance of certane personis within the saidis boundis quho professis thameselffis to be ansuerable and obedyent

heartilie for them." Calderwood goes on to mention the increased raging of the Plague about this time in Scotland, noticing particularly that, though it "had not beene in the town of Air before for the space of sixtie or eightie yeeres," it raged there now as in other places, so that for the people of Ayr this new suffering was coincident with the loss of their pastor, Mr John Welsh.

Acta 1606-7. subjectis." As it is deemed necessary, for the remedy of this state of affairs, to "haif the avice, counsall, and opinioun of sic baronis and gentilmen within the saidis boundis as ar knawin to be weill disposit to the peace and quietnes of the estaite and punischeing of malefactouris," letters are ordered by the Lords of Council charging Sir James Douglas of Drumlangrig, Sir James Johnnstoun of Dunskellie, Alexander Jerdane of Apilgirth, Murray of Cokpule, Greirsoun of Lag, Harbert Maxwell of Cavenis, William Maxwell, younger of Tynwall, Homer Maxwell, commissary of Drumfreis, Robert Douglas of Casshogill, Kirkpatrik of Kirkmichaell, Sir Robert Scot of Thirlestane, Waltir Scot of Tusshelaw, Philp Scot of Dryhoip, Robert Scot of Hanyng, Robert Scot of Aikwode, James Twedy of Drummelyeair, of Riddell, Robert, Lord of Roxburgh, Sir James Ker of Hirsale, Ker of Greneheid, Ker of Corbett, of Mow, Douglas, appeirand of Bonejedburgh, Turnble of Mynto, and Robert Page 92. Ellot of Reidheuch, "to compeir personalie before the saidis Lordis the ellevint day of December nixt to cum, to gif thair best avise, counsale, and opinioun how the fugitives and outlawis may be suppressit, thair ressettis knawin and tane ordour with, the continewance of thift and reif removed, and in sic other thingis as salbe proponed unto thame tuitcheing the peace and quietnes of the lait Bordouris, undir the pane of rebellioun."

"Forsamekle as ane of the cheif and principall caussis quhilkis encurageis the theiveis and lymmairis of the lait Bordouris to continew in thair thevische doingis proceidis frome the releif and conforte quhilk they haif within thair houssis, quhilkis being maid for strenth and defence with irone yettis, it is verie hard and defficle to his Majesteis commissionairis or garisoun to wyn and recover the saidis houssis and to apprehend the lymmairis being thairintill; sua that verie oft, quhen they ar persewit, they eschaip, and detenis and withhaldis the saidis houssis aganis his Majesteis saidis commissionairis and garisoun: and seing it can not stand with the peace and quiet of the cuntrey that ony lymmairis, malefactouris, and brokin men salbe sufferrit to have sic placeis of strenth and defence for thair releif:—Thairfore the Lordis of Secrite Counsall ordanis the haill yrone yettis being upoun ony houssis and strenthis within the lait Bordouris pertening to ony persone or personis of brokin and disordourit clannis, and to commoun people not being answerable baronis, to be removit and turnit in plew irnis or sic other necessar werk as to the awnairis sall seayme expedient, and that no irne yettis be sufferit to be within ony of thair houssis in ony tyme cuming; and ordanis the commissionairis and capitane af the garysoun to sie this present Act put in executioun; and ordanis letters to be direct aganis the awnairis of the said irone yettis to this effect, in forme as effeiris." Iron gates on houses of broken clans and common people within "the late Borders" to be removed and turned into plough irons or the like.

Sir Johnne Chairterhous of Amisfeild appears and becomes surety for Kirkpatrik, apparent of Cloisburne, in 3000 merks, that by 21st instant at night he shall either find cautioun for the indemnity of his father, Sir Thomas Kirkpatrik of Cloisburne, and obtain himself relaxed Caution for Kirkpatrick, younger of Closeburne, by Charteris of Amisfield.

from the horning executed against him at the instance of Greirsoun Acta 1606-7
of Barjarge, or else enter in ward in the Castle of Edinburgh.

Settlement of the feud between Lord Roxburgh and Sir Robert Ker of Ancrum.

Robert, Lord of Roxburgh, on the one part, and Sir Robert Ker of Ancrum and William Ker of Snadoun, on the other, appear before the Council, conform to the charge given them (*ante*, p. 269), in order to the removal of their feud occasioned by the slaughter of William Ker of Ancrum, father of the said Sir Robert. The Lords of Council having explained to them Page 93.
how his Majesty "still continewit in a gratious and goode dispositioun to have the haill feidis within this kingdome reconsiliat and removit," and how in especial he had "recommendit unto the Counsale" the reconciliation of the present parties, Lord Roxburgh signifies his readiness to be reconciled to Sir Robert; whereupon the said Robert and Williame declare that, though they would not submit the feud to arbitration, yet "for his Majesteis obedience and satisfactioun," and on that ground alone, they were "content presentlie to be aggreit with the said Lord." Accordingly, they then "choppit handis" with Lord Roxburgh, and subcribed a letter of slains in his favour.

Arbiters appointed in the same matter between Thomas and William Ker on the one side and Lord Roxburgh on the other.

Thomas and William Keris, brothers of Sir Robert Ker of Ancrum, appearing before the Council in the same matter of the feud occasioned by the slaughter of their late father, and having nominated as their arbiters Sir Andro Ker of Phairnyhirst, Sir James Dundas of Arnestoun, Johnne Monypenny, apparent of Pitmillie, and Mr Williame Echline of Pittadro, or any two of these, taking also the burden on them in this transaction for a brother and sister of theirs who are absent, and the Lord of Roxburgh having nominated as his arbiters Ker, elder of Lyntoun, Andro Ker of Fentoun, Sir Robert Stewairt, tutor of Tracquair, and Mr Alexander Seytoun, brother of the Laird of Touch, or any two of these, and all the said arbiters, except Phairnyhirst, also appearing and accepting the said office, the parties oblige themselves to fulfil whatever may be the decree of the said arbiters.

Sitting of the Session.

The Lords having ordained the Session to sit, God willing, upon Page 94.
Tuesday 2nd December next, proclamation accordingly is ordered at the market cross of Edinburgh.

Decree against Kirkpatrick, younger of Closeburne, for not satisfying a decree in favour of Thomas Grierson.

Complaint by Thomas Greirsoun, younger, eldest son of Thomas Greirsoun of Barjarg, and principal tacksman of the under-named lands, and by the said Sir Thomas, as administrator to him, that Thomas Kirkpatrik, younger of Cloisburne, remains unrelaxed from the horning executed against him on 20th August for not desisting from further occupation of the 20s. land called the Rouchyle, and not restoring the same to the complainer with the violent profits thereof, and for not paying him £20, conform to a decree obtained by him before the Council and Session.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend the defender and inventory his goods.

Decree against George White and others for violently

Complaint by Hanis Jaspersone in Flemisberrie in Hulst, and Stevin Page 95.
Deriksone there, as follows:—They had lately arrived in Leith, with their ship laden with victual and other goods, and had been "luiking for no-

Acta 1606-7. thing les then ony violent or extraordinair behaviour of ony personis, in respect of the strait bandis of amitie and freindschip standing betuix the Kingis Majestie of this monarchie and the King thair maister," when, on 17th instant, George Quhyte, bower in Edinburgh, Richart and Thomas, his brothers, Archibald Bauld, messenger, Robert Home in Haymouth, and David Gibsoun in Leith, with others, to the number of 16, came to the ship while Hanis was in the burgh of Edinburgh, and, having "maist tumultuouslie interit," made themselves masters of her, and, after cruelly beating the poor mariners, reft their purses of money, put them out of the ship and seized the whole goods therein, including 60 Dutch dollars at 4 merks each (being the price of the said ship as lately sold by complainers to certain honest men in Leith), all the clothing of complainers, 23 last of herring, two barrels of flesh, 20 dozen of dry killing, six chalders of coal, besides the victuals of the ship. Thus, the defenders have "left thame nothing bot the claithis on thair bak, and hes reducit the saidis complenairis to that miserie and necessitie that they have nothing quhairupoun to enterteny thameselffis bot that quhilk some cheritable people of Edinburgh and Leith, movit with pitie and compassioun of thair distressit estaite, gevis unto thame." Such violence "aganis freindis and confederattis" has been unheard of in any kingdom; "yie, scairslie in tyme of weare could grittair crueltie [have] been usit; and, unles the Lordis of Secrite Counsale, quho evir hes had a favourable regaird of straingeouris, provid remeid, the saidis complenairis ar altogidder undone, and wilbe constrayned, lyke puir miserable beggairis, to returne home and to divulgat thair greivis in all pairtis, quhilk wilbe no litle reproche and sclander to this famous natioun."—Complainers appearing personally, with Mr Johnne Dawling, their prolocutor, and the defenders being also present, with Sir Johnne Arnot, treasurer-depute, for his Majesty's interest, the Lords ordain the defenders to restore the ship, with all the goods and money intromitted with by them,—the pursuers, however, first to find caution to answer for any breach of the laws anent the transporting of the said money furth of this country.

boarding a foreign ship arrived in Leith, seizing the same, spuilying her goods, and maltreating the crew.

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Complaint by Alexander, Earl of Home, that William Maxwell, apparent of Tynwall, and Robert and James Maxwellis, brothers of Johnne, Lord Maxwell, came on 20th October last to the dwelling houses of Thomas and Robert Wauchis, tenants of the said Earl's lands of Wodhousleis, and violently carried them off as prisoners, also reiving from them 30 kye and oxen, 100 sheep, and two horses and mares.—Complainer appearing by Johnne Cranstoun, his procurator, William Maxwell personally, and Robert and James by Homer Maxwell, commissary of Drumfreis, and this last having alleged that the said tenants had been accused of common theft to the said William, as stewart depute of Annanderdaill, and that therefore he had taken them and brought them to the town of Annan, where they had been tried by an assize and had submitted to Lord Maxwell's

The Earl of Home against the Master of Maxwell and others for illegal proceedings against two of his tenants.

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will, and Cranstoun having replied that, as they were not fugitives, but had dwelling houses, they ought to have been first arrested and brought to trial in an orderly manner, without any such violent proceedings as had been used against them,—unless indeed they had been "tane with ane fang,"—the Lords find that the defenders have done wrong, and therefore ordain them to liberate complainers and restore their gear. Acta 1606-7.

Mr Thomas Craig, advocate, and others, against the Lady Riccarton, for breaking an arrestment on her goods.

Action by Mr Thomas Craig, advocate, Mr Mathew Lichtoun, minister at Currie, and Thomas Barboure, writer, as follows :—The late Patrik Hepburne of Riccartoun having been indebted to Craig in 3000 merks and to Lichtoun and Barboure in 1000 merks each, and the pursuers, for their better assurance of payment, having arrested certain goods which were extant upon his ground, Susanna Naper, relict of the said Patrik, Williame Hepburne, his son natural, and James Sword, his servitor, taking advantage of the "present vaiccand tyme," when the Lords of Secret Council or of Session are not sitting, have broken the arrestment and make market of the said goods in Edinburgh and elsewhere.—Craig appearing for himself and the other pursuer, Susanna by her procurator, and the other defenders personally, and Hepburne having confessed that at command of the said Lady he drove four nolt from the said lands to Merkiestoun, and Sword having also admitted that he brought to her two kye and two oxen off the said lands, the Lords decern defenders to desist from all farther intromission with the said goods, and ordain them to find caution that the goods already intromitted with shall be made furthcoming to all parties having right thereto. Page 98. Page 99.

Suspension of horning obtained by Lady Pitfirran against Sir James Scott of Abbotshall.

Complaint by Sir James Scot of Abbotishall, as follows :—He has been put to the horn at the instance of dame Margaret Hepburne, Lady Pitfirren, for not answering for his alleged coming to the lands of the Coilpute-mure, belonging to her and to Fredrik Stewairt, her son, and there destroying a great quantity of corns growing on the said lands, and for putting one of her servants in the Thieves' Hole. Now, as the complainer had not been lawfully charged, and never heard of the charge till long after the denunciation, and as he found caution in 500 merks to answer on 21st October (? November) instant, and also to pay to the Treasurer £20 for his escheat in case it should be found that he ought, the said horning should be suspended.—Both parties appearing, the Lords remit the points of oppresion libelled to the judge ordinary, and suspend the said horning. Page 100.

Edinburgh, 27th Nov.

Sederunt—Chancellor; Angus; Lowthiane; Secretary; Master of Lowthiane; Bishop of Ros; Justice Clerk; Privy Seal; Cranstounriddle; Sir Johnne Arnote.

Decree against the Earl of Crawford for lying at the horn for non-fulfilment of a contract.

Complaint by Margaret Lindsay, daughter of the late Normond Lindsay of Kylquhis, and Patrik Traill, brother of the Laird of Blebo, her spouse, for his interest, that David, Earl of Craufurd, remains unrelaxed from the horning executed against him on 13th October last for not redeeming

Acta 1606-7. from them an annualrent of 80 merks,—specified in a contract of date 9th June 1582, between the said Earl and the said Normand,—by the payment to complainer of 800 merks, together with the byrun annuals thereof due since the decease of the said Normand.—Complainers appear-
Page 101. ing by George Fairny, their procurator, but defender failing to appear, there is warrant to the Captain of the Guard to apprehend him and inventory his goods.

To denounce the Earl of Atholl for neglect of the charge to appear and answer for misrule in Atholl.

James, Earl of Atholl, having neglected the charge given him to enter Johnne Dow M'Gillichallum and Allastir, his brother, fugitives and outlaws for "vyld and abhominable murthouris and utheris odious crymes," and to appear himself to answer for the "present misreull in Athoill," and for "the ordinair intercourse quhilk the brokin men within the west and north heylandis hes within the boundis of Athoill" (*ante*, p. 275),
Page 102. the order is to denunce the said Earl, and to grant him no suspension of horning till he enter in ward in Edinburgh Castle.

Decree against Norman and Alexander Dunbar for remaining at the horn for refusal to flit.

Complaint by Mr Alexander Keith of Unthank that Normond Dumbar of Inchskeill, Alexander Dumbar there, Androw Russell in Rossyle, and William Nicoll there, remain unrelaxed from the horning executed against them on 28th June last for not flitting from certain of the complainer's lands and houses, conform to a decree against them obtained before the Lords of Council and Session on 27th February last.—Charge had been given to the said Normond, and to Alexander, his son, to appear and answer; and now, complainer appearing by Williame Sinclair, there is warrant to the Captain of the Guard to apprehend defenders and inventory their goods for their non-appearance.

Decree against Jonet Bairdie for lying at the horn for debt.

Complaint by Johnne Coutis, skinner, burgess of Edinburgh, that Jonet
Page 103. Bairdie, daughter of the late William Bairdie, burgess there, remains unrelaxed from the horning executed against her on 16th October last for not paying to complainer £97 as principal and £20 for expenses.—Complainer appearing, but not defender, there is warrant to the Captain of the Guard to apprehend her and inventory her goods.

Decree against Eufame Montgomery and others for lying at the horn for not finding lawburrows.

Complaint by Jonet Young, sometime in Nether Hairschaw, Johnne and Andro Brysonis, her sons, Alexander Young in Ardoch, Johnne and James Youngis, his sons, Johnne Young in Cathcairt, Johnne and Alexander Youngis, his sons, that Johnne Hammiltoun in Nether Hairschaw, Ewphame Montgomerie, his spouse, Gawin Hammiltoun, his eldest son, Archibald Hammiltoun, also his son, Johne Montgomerie in Greinfeild, Gabriell Montgomerie in Eistwode, James Hammiltoun in Haisdane, William Hammiltoun, Symont Hammiltoun, his brother, William Montgomerie, son of the said Johnne, Mathew Montgomerie in the Kirktoun of Eglishame, and Johnne Kirkland in Corrochoill, remain unrelaxed from the horning executed against them on 7th October 1598 for not finding sufficient lawburrows to complainers.—Charge had been given to
Page 104. the first seven of the defenders to answer; and now, Jonet Young appearing for herself and the other complainers, and Johne Hammiltoun in Nether Hairschaw appearing and producing a suspension of the horn-

ing used against him in this matter, but none of the other defenders being present, the Lords assoilzie the said Johnne, and ordain the Captain of the Guard to apprehend the rest of the defenders and inventory their goods. Acta 1606–7.

Decree against Monypenny of Kinkell and others for lying at the horn for debt.

Complaint by Sir James Dundas of Arnistoun that Thomas Monypenny of Kinkell, William Leirmonth of Dairsey, and Mr Johnne Clapen of Bellintagart remain unrelaxed from their horning of 30th and 31st July last for not paying complainer 4600 merks.—Complainer appearing, but none of the defenders, there is warrant to the Captain of the Guard to apprehend them and inventory their goods. Page 105.

Decree for the Laird of Rossie against his brothers for not paying him certain duties.

Complaint by Patrik Rossy, fiar of that Ilk, and Margaret Erskin, Lady Ruthvenis, for her interest, that Thomas and Androw Rossyis, brothers of the said Patrik, remain unrelaxed from their horning of 13th May last for not paying to complainers the ferms, cains, and duties of the lands of West Mains of Rossie and Kynnereis, conform to a decree of the Council and Session dated 8th March last.—Complainers appearing by Archibald Douglas, macer, there is decree as in last Act against defenders for non-compearance. Page 106.

Decree against Robert Lin for lying at the horn for debt.

Complaint by Mawsie Smyth, and Patrik Hairt, her spouse, that Alexander Auchterlony in Housbandtown of Auchinlek as principal, and Sir William Auchterlony of that Ilk, Robert Lyne, and Patrik Balfoure, burgesses of Arbirbrothok, as sureties for him, remain unrelaxed from a horning of 25th July last for not paying complainers £800 as principal and 100 merks for expenses.—Charge had been given to the said Robert Lyne to answer; and now, Hairt appearing for himself and his spouse, decree as in last Act is given against defender for non-compearance.

Decree against Sibbald of Letham for lying at the horn for debt.

Complaint by David Weymes of Fingask that David Sibbald of Lethome remains unrelaxed from a horning of 17th October last for not paying complainer 200 merks as principal and £40 for expenses.—Complainer appearing by Patrik Weymes, decree as in last Act is given against defender for non-compearance. Page 107.

Decree against John Livingstone for debt.

Complaint by Jonet Gilchrist, relict of James Glen, that Johnne Levingstoun of Abircorne remains unrelaxed from a horning of 19th February last for not paying her 100 merks as principal and £10 for expenses.—Complainer appearing personally, there is decree as in last Act against defender for non-compearance. Page 108.

Decree for Robert Watson against James Futhie, his debtor, lying at the horn.

Complaint by Robert Watsoun, skipper, burgess of Dundie, that James Futhie of Gwynd remains unrelaxed from a horning of 16th and 22nd July last for not paying complainer 500 merks as principal and £100 as expenses.—Complainer appearing by Williame Sinclair, his procurator, there is decree as in last Act against defender for non-compearance. Page 109.

Decree against Herbert and David Carlyle for lying at the horn for slaughter and mutilation.

Complaint by Williame Gaw, as brother, and James Douglas of Torthorrale, as master, of the late Niniane Gaw, and by George Inglis, servitor to Douglas, that Harbert Cairlile in Heuch and David Cairlile in Lynnis remain unrelaxed from a horning of 30th November 1594 for not finding caution to answer before the Justice for the slaughter of the said Niniane, and for mutilation of Inglis in his left hand, on 29th 1594.—Com-

Acta 1606-7. plainers appearing by Archibald Douglas, macer, there is decree as in last Act against defenders for non-compearance.

Page 110. Action by Archibald Fauldis, dean of guild, and by George Moresoun, George Mure, Coline Campbell, Alexander Dunlop, William Simpsoun, Mathew Simpsoun, James Inglis, Johne Bernis, William Weymes, James Bailyie, Hectour Patone, Archibald Andirsoun, merchants, burgesses of Glasgow, for themselves and the other merchants of the said burgh, against William Stirling and Mr Johne Ros, as customers within the water of Clyd, for having charged the pursuers to pay to them, under pain of rebellion, 2s. for the custom for each boll of salt, water mete, imported by them within the said water, and 12d. for the custom of each boll of victual brought by them from England, "togidder also with uther extraordinair customes and dewteis for the rest of thair merchandice and guidis brocht hame be thame." The pursuers are liable only in 12d. for each boll of the salt, and no higher custom is paid in Air or Irving; they are wrongously charged for the victual imported to Scotland from England, in respect no custom is levied on goods brought from that realm; and the charge of "extraordinair customes" on salmon and other merchandise is also illegal. Hence, and as they have found caution for payment of the customs demanded if so bound, the said letters should be suspended.—William Weymes appearing for himself and the other pursuers, the Lords suspend the said letters, decern pursuers to be liable only for 12d. for each boll of salt according to the measure of Leith, discharge the custom imposed on victual imported from England, and require defenders "onlie to tak cautioun for payment of the custome of all guidis comeing out of England quhill the Unioun be concludit."

Archibald Faulds and other merchants of Glasgow against the customers appointed for uplifting the customs of goods arriving in the Clyde.

Page 111.

Complaint by Johnne Layng, son of Johnne Layng, merchant, burgess of Edinburgh, that Charlis Fortoun, cordiner, burgess of the Cannogait, who has, without cause, sought for complainer's harm for a long time, came at night on 27th October last, accompanied by James Fortoun, skinner, his brother, and others, all armed with swords and daggers, to the house of Patrik Hairt, burgess of the Cannogait, and there wounded complainer with drawn swords.—Both parties appearing, the Lords remit this matter to the bailie of the regality of Brochtoun, whose decree for the satisfaction of the pursuer is to be without "prejudice of the unlaw for the blude."

John Laing against Charles Fortune and others for assault.

Page 112.

Complaint by James Somervaill of Spittell that James Douglas, apparent of Wellis, Johnne Weir of Halcraig, Mungo Hammiltoun in Pardoven, and others came, with swords, long staves, gauntlets, and other weapons, to his house in Spittell, and there wounded him with drawn swords, and would have murdered him if he had not "eschaiped furth at ane bak dure and fled his way."—Charge had been given to Douglas to answer; and now, he and complainer appearing, the Lords assoilzie him, because he has declared by his great oath that the libel is not true.

Somerville of Spitttal against James Douglas for assault: Decree of absolvitor.

Page 113.

Complaint by James Somervaill, eldest son of the late Hew Somervaill of Spittell, as follows:—He has been put to the horn at the instance of

Suspension of horning against the said Somerville at the instance of Robert Douglas and others.

Robert Dowglas of Todhollis, Hammiltoun, relict of William Somervell of Spittell, and James Douglas, apparent of Wellis, now her spouse, for not finding lawburrows for their indemnity, and also for not answering before the Secret Council to a complaint against him for alleged out-putting of the said relict furth of Spittell (?) and intruding himself therein. Now, as he had never been lawfully charged, and as he found caution in 200 merks to answer before the Council on 13th November, and also to pay 10 merks to the Treasurer for his escheat, the said horning should be suspended.—Pursuer and James Douglas appearing, the Lords do suspend the horning, and remit the complaint to the proper judge, the pursuer to find caution for the indemnity of the defenders and for satisfaction of the Treasurer for his escheat. Acta 1606-7. Page 114.

Cumming of Altyre against the town of Forres in the matter of lawburrows found by him to the inhabitants thereof.

Complaint by James Cuming, fiar of Altir, as follows:—He has been lately charged at the instance of Andro Allane and Alexander Awis, burgesses of Forres, to find caution in £1000 for their indemnity, under pain of rebellion. Now, having before been charged at the instance of Arthour Mureyne, Nicoll Tolmie, Thomas Tulloch, Charlis Reid, Johnne Warrand, burgesses there, Mr James Dumbar of Sanquhair, Thomas Urquhart of Burrisyairds, and all the other inhabitants of the said burgh, to find lawburrows to them under pain of £1000, and having found such caution on 30th August last, he should not be burdened with acts of caution to every one of the said inhabitants severally. The demand is made only to hold him in "ane continewall trouble and fascherie"; and, as he has nevertheless found caution as charged, the said letters should be suspended.—Charge had been given to the said Allane and Alwes, and also to Thomas Urquhart, provost, Frances Forbes, Thomas Tulloch, Charlis Reid, and Johnne Dumbar, bailies, of Forres, to appear and answer; and now, complainer appearing by Mr Alexander Cuming, and defenders by James Winrahame, the Lords declare that the general caution already found by the pursuer includes every inhabitant of the burgh, and therefore do suspend the said letters. Page 115.

Suspension of horning against Andrew Bannerman in Dunkeld.

Complaint by Andro Banerman in Dunkeld that he has lately been charged by letters raised by Mr Waltir Stewairt of Blakhillis, George Naismith of Inchewne, William Fyff, portioner of Ruffill, Johnne Merschell, bailie in Dunkeld, for themselves and the said town, to find caution in 1000 merks for their indemnity. Now, he has never offered them occasion to crave such caution; and, besides, as he is but a "verie meane gentilman, and onlie fewair of a verie small rowme," the said pain is far beyond what the Act requires,—which would be 500 merks at most. As he has, nevertheless, found caution as required, the said letters should be suspended.—Charge had been given to Naismyth, Fyff, and Merchell to answer; and now, complainer appearing by Banerman, but none of the defenders appearing, the Lords do suspend the letters. Page 116. Page 117.

Monopoly to Thomas Tulloch in Inveresk of the

Petition by Thomas Tulloch in Inveresk, as follows:—Having "imployit the maist pairt of his youth in uncuth nationis in searcheing and learning the knawledge for making and practizeing of ingynis and workis

Acta 1606-7. for the commodious and aisie transporting of coillis betuix the colpotis, sey and salt panes of this realme, and haveing now attanit a suir knawledge thairof, and willing to benefite his awne cuntrey and the leigeis thairof in exerceing the foirsaidis practizeis for thair grite commoditie and aisie travill in transporting of the samȳn,—quhilk interpryse, wark, and travill will benefite the leigeis in sa fer that the samen will ease thame baith of travill and expenssis in the fourt pairt quhilk they bestowit and wairit thairupoun of before,"—he humbly desires that, inasmuch as "the samyn work and ingyne will tend to the said Thomas Tullochis grite travill and large expenssis before he obtene the samyn to ane perfectioun," he may have an Act of Council securing his property therein.—The Lords grant him the sole power to use the said "ingyne" during his lifetime, provided this be "ane work and ingyne nocht knawin in this kingdome at na tyme of before." use of an engine invented by him for transporting coals.

Sederunt—Chancellor; President; Master of Elphingstoun; Quhittinghame; Cranstounriddell; Foistersait; Clerk of Register. Edinburgh, 4th Dec.[1]

[1] At this point note has again to be taken of the fortunes in and about London of those eight Scottish Presbyterian ministers (viz. Andrew Melville, James Melville, James Balfour, William Scot, John Carmichael, William Watson, Adam Colt, and Robert Wallace) who had been summoned to Court, along with eight representatives of the other side (viz. Archbishop Gledstanes of St Andrews, Archbishop Spotswood of Glasgow, Bishop Law of Orkney, James Nicolson, bishop-designate of Dunkeld, Andrew Lamb, Robert Howie, Patrick Sharp, and the Laird of Lauriston), to discuss with the King the question of ecclesiastical Assemblies in general, and of the lawfulness of the attempted Aberdeen Assembly of July 1605 in particular, and to confer with him as to future arrangements for the peace of the Kirk. Though the proceedings of this mixed conclave round the King had their scene out of Scotland, they belong to the History of Scotland, and are of great importance there.—We have seen (*ante*, p. 259, footnote) the results of the first formal conference of the eight Presbyterians with the King and their eight other opponents, in presence of Prince Henry, Bancroft, Archbishop of Canterbury, and so many of the English and Scottish noblemen and courtiers, at Hampton Court on the 23rd of September. There had been no agreement; the conference had broken up in storm, after one of Andrew Melville's characteristic outbursts; and it had been signified to the eight Presbyterian ministers that they were to be detained in England, under his Majesty's disfavour, till his further pleasure should be known. Since then they had been exercised and troubled in various ways. They had been called before a meeting of the Scottish Privy Councillors then in London, held in the Earl of Dunbar's house, on the 28th of September. They had been reasoned with privately by the Earl of Dunbar and other Scottish Councillors, and by the Archbishop of Canterbury, the Earl of Salisbury, and others of the English Council. They had attended, by the King's command, in the Chapel Royal, to see ceremonial services according to the rites of the Church of England, and to listen to a succession of sermons, intended for their conversion or confutation, preached by Andrewes, Bishop of Chichester, Barlow, Bishop of Lincoln, Dr King, Dean of Christ Church, and Dr Buckbridge, President of St John's, on the chief points in dispute between Anglicanism and Scottish Presbytery. They had been again before a special meeting of the Scottish Privy Councillors on the 2nd of October, where three queries had been tendered to them in writing, as to their approbation of the Aberdeen Assembly, and their opinions on the subject of his Majesty's authority in matters ecclesiastical; and they had severally sent in their written answers to these queries, with a statement of the grievances of the Church of Scotland, and the remedies for the same. For the details of all this, as far as to the end of November 1606, see James Melville's *Autobiography and Diary*, pp. 661–678, Calderwood, vi. 578–597, and, more succinctly, M'Crie's *Life of Andrew Melville*.—Meanwhile, tired of living in London in such a fashion, though comfortable enough in each other's company on an allowance from the

Decree against Scott of Abbotshall for debt.

Complaint by Robert Cairnecorce, merchant, burgess of Edinburgh, that Sir James Scot of Abbotishall remains unrelaxed from a horning of 30th July last for not paying complainer £160, 18s. as principal and 40 merks Acta 1606-7. Page 118.

Scottish Exchequer for their lodging and board, they had again and again supplicated the King for leave to return home to their families and charges. They had given in another supplication to this effect on the 21st of November, when they heard of a proposal to detain them still longer, and at the same time break up their little company, by quartering them separately, in a kind of ward, in the households of eight of the English Bishops.—On Sunday the 30th of November, however, affairs took a new turn. On that day, Andrew Melville, James Melville, and Robert Wallace, having been summoned to Whitehall, found themselves before the English Privy Council, and questioned respecting the authorship of a Latin epigram, a copy of which had come into the King's possession. It was an epigram in six lines, which Andrew Melville, one of whose amusements was the writing of pieces of Latin verse on passing occasions, had penned immediately after returning from one of the services in the Chapel Royal. At this service he and his companions had been struck by the sight of two closed books, two empty chalices or basins, and two unlighted candles, on the altar; and the epigram asked whether these objects were to be taken as symbols of the state of the English mind in religious matters, and of a tendency of the English Church back to the Roman. No copy of the epigram had been given out; but some unfriendly person or spy, visiting the rooms where the Scottish ministers were lodged, had seen the manuscript and taken a copy. Taxed with it before the English Council, Melville at once acknowledged it to be his, defended it, and maintained that, even if in any way criminal, it was not before the English Privy Council that he should be called to answer for it, but before his own Sovereign and the Scottish Council. The Archbishop of Canterbury then making some observations, in the course of which he spoke of the offence as amounting even to treason, Melville flamed forth in one of his usual outbursts,—"as inclosset fyre in watter," his nephew James describes it,—and attacked the Archbishop personally before the whole Council. Was it Andrew Melville, he asked, that was the traitor? Might it not be rather one Richard Bancroft, now Archbishop of Canterbury, who had, in the lifetime of the late Queen Elizabeth, written a book against King James's right of succession to the throne of England? To add emphasis to this attack, Melville, who must have premeditated something of the kind, produced the book from his pocket and held it up before the Council. There was a further torrent of invective against the character and conduct of the Archbishop, not ended till Melville had gone close to Bancroft, taken hold of his lawn-sleeves, shaken them and called them "*Romish rags*," and accused him of being the capital enemy of all the Reformed Churches. Bishop Barlow and others who interfered were treated as unceremoniously, and the gravity of the English Lord Chancellor Ellesmere, who presided, could hardly restore order. Melville having been removed, and his nephew James and Mr Robert Wallace having been called in, and having comported themselves with equal firmness, but much more mildly, the Council then deliberated for some time; and, when the three had been brought back, the Chancellor, after admonishing Andrew Melville "that with his learneing and yeires he sould joyne wisdome, gravitie, modestie, and discretion," pronounced judgment. It was that he had by his epigram been guilty of *scandalum magnatum*, and was to be committed to private custody in the house of the Dean of St Paul's during his Majesty's pleasure. The others were dismissed with a warning, but were still to be detained in England till they should have leave to return to Scotland.—Thus, in the end of November 1606, the issue of the conference of the King with the eight Presbyterian ministers and the eight representatives of his own policy whom he had summoned from Scotland to discuss the state of the Kirk was that, while the latter eight were free to go back to Scotland as approved agents for the King, the Presbyterian eight were in a manner captive in London, and one of them, the very head of Scottish Presbytery, actually in confinement there.—Nor was all this without design. It had been resolved by the King that there should be a great convention of the Scottish clergy at Linlithgow on the 10th of December, not in the form of a regular General Assembly, but in the form of a gathering from all the Presbyteries of those particular clergymen in each whom the King should designate as fit persons to consult on Church affairs with the chiefs of his Nobility and Council; and, while the prospect of such a convention rendered it necessary that Arch-

Acta 1606–7. for expenses.—Complainer appearing personally, warrant is given to the Captain of the Guard to apprehend defender and inventory his goods for his non-compearance.

Charge for new assurance between the Lairds of Skelmorly and Newark.

The assurance between Robert Montgomerie of Skelmourlie, on the one part, and Maxwell of Newwark and Johne Maxwell of Stanelie, on the other, being now almost expired, there is order to charge both parties to subscribe within six days after the charge, under pain of rebellion, such new form of assurance as shall be delivered to them, to endure till 1st January 1608.

Decree against Robert Stewart, macer, for debt.

Complaint by Margaret Vaus, relict of Waltir Mawer of Mawerstoun, that Robert Stewairt, macer, remains unrelaxed from a horning of 18th
Page 119. November last for not paying her £1000 as principal and £100 for expenses.—Complainer appearing, there is warrand to the Captain of the Guard to apprehend defender and to inventory his goods for his non-compearance.

William Cunningham ordered to enter into ward for assault.

Complaint by Andro Broun in Boigend that William Cunynghame, servitor to James Heriot of Trabroun, having conceived deadly hatred to complainer without any cause, on a Sunday in October, while complainer and his family were repairing to their parish kirk, followed them, wounded complainer with a drawn sword, and would have slain him if he had not been stayed by some who were present.—Complainer appearing and pro-
Page 120. ducing witnesses, but defender failing to appear, the Lords ordain defender to enter in ward in the tolbooth of Edinburgh.

To denounce Finlay Man and others for not appearing to bear witness in a certain action.

Charge had been given to Finla Man in Dingwall, Johnne Robertsoun, younger, there, Donald Dow M°Rorie Bane there, and Murdo M°Coneleir, to appear this day to bear witness in the cause pursued by Duncane Bane of Tulloch against Jonet Fraser, spouse of Mr Johnne M°Canzie, parson of Dingwall, and Allaster, Adie, and Rorie M°Tormure, his household servants, touching their coming to Bane's mill of Inche and violently carrying away with them Johnne Roy, his servant at the said mill, to the said Jonet's house in Dingwall, "and thair tirveing of the said Johnne Roy, and thairefter leischeing him with brydillis and beltis," to the effusion of his blood. And now, pursuer appearing, but none of the persons cited, the order is to denounce them rebels.

Page 121. Supplication by Williame Edmestoun, fiar of Duntraith, as follows :— Sir James Edmestoun of Duntraith, his father, having greatly "wraikit his house and leveing," and wadsetted most thereof for large sums of money under reversions to petitioner, said petitioner, perceiving that

Edinburgh, 6th December. Edmonston, younger of Duntraith, against his father, for dilapidation and certain acts of violence: Decree for apprehension of defender.

bishops Gledstanes and Spotswood, Bishop Law, Messrs Nicolson, Lamb, Howie, and Sharp, and the Laird of Lauriston, should be back in Scotland, it was desirable that the eight Presbyterian ministers should not be in Scotland at the same time. The detention of these eight in England was a convenient subduction of so much strength from the Presbyterian party in Scotland, weakened already by the banishment out of the King's dominions of the six ministers condemned of treason for their conduct in the Aberdeen Assembly business, and by the warding of so many more in different Scottish prisons on the same account.

" the payment of sua grite yeirlie annuell " tended to the utter ruin of Acta 1606-7.
the whole estate, had resolved, with the advice of friends of his house, to dispone heritably those parts of the living which were least profitable to him and in which his wife was infeft in conjunct fee, so that he might disburden the rest of the estate. He had employed part of the money received for the parts disponed in paying debts of the house, and intended to deliver the remainder to the Laird of Urcle in satisfaction of a large sum due to him. This remainder he had lodged in the house of Duntraith, occupied by him during the last five or six years, and wherein he is infeft without any kind of reservation, and expected no violence or reif to be used by any one,—" seing now, in the grite mercie of God, his Majestie hes establischit peace, justice, and quietnes universalie throuchout all the pairtis and coirneris of this kingdome." Yet, his said father, taking advantage of petitioner's absence, came on instant, accompanied with others, to the said house, and, after " being verie hairtlie and kyndlie ressaved be his wyff," made himself master thereof and intromitted with the said money. As his said father has become " unanswerable to the lawis, being mony tymes at the horne, and divers commissionis being gevin to the Guaird to apprehend him," he can have no redress of his great loss, " quhilk importis the wraik and decay of his house," unless Page 122.
the Council will have pity on his hard state.—The Lords grant commission to Johnne, Earl of Wigtoun, Johnne, Master of Montrois, and Sir Archibald Stirling of Keir, to convocate the lieges in arms, apprehend the said Sir James wherever found, and enter him and the said money before the Council, that order may be taken with him " for his insolence." The Captain and Lieutenant of the Guard are to assist the said commissioners.

Edinburgh, 16th December.[1]

Sederunt—Commissioner; Chancellor; Dumbar; Wigtoun; Kinghorne; Lowdeane; Lindsay; Uchiltrie; President; Scone; Blantyre; Bishop of Sanct Androis; Bishop of Glasgow; Bishop of Ros; Halyruidhouse; Collector; Advocate.

[1] In the interval between this date and the last there had been held that Convention or Convocation at Linlithgow for Church business, the expectation of which has been mentioned in last footnote, p. 280.—Duly, on the appointed day, December 10, there had met at Linlithgow about 136 of the Scottish clergy, for joint deliberation with 33 persons of the Nobility, Lairds, and Privy Council, appointed for the purpose by his Majesty. The clergy present were likewise all nominees of his Majesty, though after a peculiar fashion. Missive letters in his Majesty's name had gone forth to all the Presbyteries of the land requiring them to send as their delegates to the Convention such and such ministers named in the letters (generally three from each Presbytery, but sometimes more); and other letters had been sent privately to the ministers so designated requiring them to appear at the Convention whether they were commissioned by their Presbyteries or not. Some Presbyteries, fearing that the Convention might assume the powers of a General Assembly, and not recognising it as entitled to that character, had refused to commission the persons nominated, and others had interdicted the King's nominees from taking part in any vote or conclusion of the Convention in matters belonging to a regular Assembly. Nevertheless, as a numerous gathering of the Scottish clergy, including all the bishops, and with the Earls of Montrose and Dunbar and so many other Nobles and Councillors present and taking part for his Majesty, the Conven-

Acta 1606-7. Charge had been given to Williame Stewairt, constable of the Castle of Dumbertane, to answer this day touching the escape of Archibald M°Coneill furth of the said Castle. Stewairt, appearing, and being

William Stewart, constable of Dumbarton Castle, ordered into ward for allowing a prisoner to escape.

tion was an impressive affair.—Mr James Nicolson, bishop-designate of Dunkeld, having been chosen Moderator, and the scruples of many of the clergy as to voting or otherwise acting formally in such a body having been overcome by assurances that they might regard themselves as mere individuals assembled to give their advice, the Convention sat on for three days. For a sketch of the proceedings see Spotswood, 500–502; and, for a much fuller account, with Presbyterian criticisms, see Calderwood, vi. 601–627. Apart from incidental matters, such as agreement in supplications to his Majesty on behalf of the banished ministers, the ministers removed from their parishes and secluded in remote parts of the Highlands and Islands, Mr Robert Bruce in his similar seclusion in Inverness, and the eight ministers detained in London, the business of the Convention went mainly in two lines:—(1) *Methods for the detection and suppression of all remnants of Catholicism throughout Scotland.* This being one of the matters specially referred to the Convention by his Majesty, a good deal of the time of the Convention was occupied with it. There were severe comments on the remissness of the bishops and commissioners of the Kirk in the matter hitherto, with a determination for more rigorous execution of the laws against Papists and Jesuits in future, and a specific resolution that there should henceforth be in every Presbytery one minister to act as "the agent" for that Presbytery in searching out offenders of this class within its bounds, and reporting them to the Privy Council,—said agent to have £100 a-year for the work, unless he chanced also to be the bishop of the diocese. There were recommendations also to his Majesty as to the proper treatment of the great Roman Catholic noblemen and their families:—the Marquis of Huntly and his family to be ordered to reside permanently in Aberdeen for the benefit of advice and instruction from the clergy there; the Earl of Angus and his family, for similar reasons, in Glasgow; the Earl of Sutherland and his family in Inverness; the Earl of Home and Lord Herries and their families in Edinburgh; Lord Maxwell in Leith; Lord Semple in Irvine; &c. (2) *Scheme of Constant Moderators of Presbyteries and Synods.* This momentous suggestion, one step more towards the establishment of complete episcopal government, was also his Majesty's. Until such time as the Papists were fully suppressed and other present "jars" removed out of the Kirk, would it not be well that the practice of changing moderators should cease, and that one and the same man, whether the bishop of the neighbourhood, or the "agent" above described, or some brother of otherwise ascertained ability and business capacity, should preside continually in each of the Presbyteries? This was substantially the question sent down from his Majesty. The proposal caused no ordinary alarm among the clergy in the Convention, as threatening ruin to the principle of Presbyterian parity; but, after much discussion, with explanations of his Majesty's intentions by the nobles present, and with assent by them and by the bishops to a number of carefully prepared caveats, limiting the powers of the constant moderators, and making their tenure of office terminable if they did not give satisfaction, and reserving the full right of censure over them, as well as over the bishops, to the Provincial Synods and General Assemblies, the scheme of Constant Moderators for Presbyteries was reduced to a form which 125 of the clergy present agreed to accept as innocuous, only a very few dissenting or declining to vote. To put the scheme in working order, a list of the fifty-three Presbyteries of Scotland was drawn up, with insertion under each of the name of the minister thought fittest to be the Constant Moderator of that Presbytery, the person in every case being the same as had already been thought fittest to be the "agent" against Roman Catholicism. The enumeration began thus:—"*Zetland*, Mr James Pitcairne; *Orkney*, the Bishop of Orkney [James Law] or, in his absence, Thomas Swinton, on the bishop's expenses; *Caithness*, the Bishop of Caithness [Alexander Forbes] or, in his absence, Mr Samuel Bruce, on the bishop's expenses; *Tain*, Mr John Ross"; and it proceeded through all the rest of the fifty-three, the bishop of any diocese generally to be, or to have the option of being, the Constant Moderator of the chief Presbytery of that diocese.—Having thus acquitted itself, and having been thanked by the Earl of Montrose and the Earl of Dunbar in his Majesty's name, the Linlithgow Convention broke up. There was to be no formal or authoritative publication of its proceedings till they had been communicated to his Majesty, and had received his sanction. Already, however, Edinburgh and the southern Presbyteries were astir with the news that they would have to accept the

charged with "a verie grite offence" in allowing the escape of prisoners, Acta 1606-7.
"speciallie of sic personis quhois eschaiping may procure the trouble and disquiet of the cuntrey," admits his "oversicht and negligence in geving over mekle trust to the said Archibald," and humbly craves his Majesty's pardon, protesting that he was not privy to the escape. The Lords ordain Pagé 123.
him to be committed to ward in the Castle of Edinburgh, there to remain till his Majesty's will be known, and declare that he shall be answerable for all the prisoners in the said Castle of Dumbertane.

Edinburgh, 18th December.

Sederunt—Commissioner; Chancellor; Huntlie; Angus; Cassillis; Lowtheane; Uchiltrie; Elphingstoun; Secretary; Roxburgh; Blantyre; Master of Lowtheane; Master of Elphingstoun; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Privy Seal; Justice Clerk; Advocate; Collector; Quhittinghame; Clerk of Register; Foistersait; Bruntiland; Sir Johnne Arnot.

Decree against Margaret Miln and William Spalding for lying at the horn for debt.

Complaint by Thomas Collace of Pitforky that Margaret Mylne, relict of David Schireff, and William Spalding, now her spouse, remain unrelaxed from a horning of 7th June last for not paying him £20 for each of five bolls meal and bear, with 13s. 4d. for each of ten capons and ten poultry, and £8 of money, all for the duty of the half town of Dubtoun for all the years yet resting due, with £10 for expenses.—Complainer appearing by Mr Johne M°Gill, there is warrant to the Captain of the Guard to apprehend the defenders and inventory their goods for their non- Page 124.
compearance.

Decree against Lindsay of Kinfauns and Cumming of Tollow for debt.

Complaint by the same Collace against Sir Harie Lindsay of Carrestoun, as principal, and Johnne Cuming of Tollow, as surety for him, for remaining unrelaxed from a horning of 10th October last for not paying him 1200 merks, conform to a contract between them of date 5th February 1606.—Complainer appearing by Mr Johne M°Gill, there is decree as above against the defenders for non-compearance.

Decree against Mr Robert Ross for debt.

Complaint by Mr Alexander Peblis, advocate, that Mr Robert Ros of Cragy remains unrelaxed from a horning of 19th November last for not Page 125.
paying him 700 merks as principal and 100 merks for expenses.—Complainer appearing personally, there is decree as above against defender for non-compearance.

Suspension of horning against Sir Michael Balfour, sued by the Duke of Lennox for certain taxes.

Complaint by Sir Michaell Balfoure of Burley that he has been lately charged by letters to pay, under pain of rebellion, to Ludovik, Duke of Lennox, as collector of the taxation of 100,000 merks granted to his Majesty in February 1601, for his relief of the taxation of the bishopric

Constant Moderators provided for them, and it was foreseen that the Linlithgow Convention of December 1606 would be memorable in the history of the Kirk in connection with this invention of the Constant Moderatorships. —Though it had not called itself a General Assembly while sitting, that name, and the authority attaching to that name, were to be soon claimed for it by the King and his party. Presbyterian historians, on the other hand, have uniformly refused it that name, and have recognised it only as an irregular convention or convocation by the King's missive letters.

Acta 1606-7. and priory of St Androis, £27 for the tax of his teinds of the lands of Bagarvie, held of the said bishopric, and £71, 5s. for his tax of the ferms of his lands of Strakynnes and Ballon, held of the said priory. His said teinds of the lands of Bagarvie are set to him in tack for payment of the same duty as "wes wont to be payit" therefor before 1558, without diminution of the rental of the bishopric, and by the custom of this kingdom no tacksmen of teinds, paying the old duty without diminution
Page 126. of the rental, have ever been in use to pay taxes for the same teinds. As to his lands of Strakynnes and Ballon, whereof he is feuar and immediate tenant to the Bishop of St Androis, he and his tenants have already paid the tax thereof to Johnne Ramsay, unicorn pursuivant, receiver of the said taxation under the said Duke. As, nevertheless, he has consigned the total £98, 5s. in the hands of Archibald Prymrois, the said letters should be suspended.—Complainer appearing, but not defender, the Lords do suspend the said letters.

Decree against James Galbraith for debt.

Complaint by Johnne Schaw, brother of George Schaw of Knokhill, that James Galbraith of Bolgair remains unrelaxed from a horning of 13th November last for not paying him 400 merks as principal and £80
Page 127. for expenses.—Complainer appearing, but not defender, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods.

Decree against James Grahame for not relieving Sir Robert Scott of a caution.

Complaint by Sir Robert Scot of Thirlstane that Robert Maitland of Ecclis, James Grahame in Langboddum, Alexander Moffet in Wodend, and William Carmichaell of Pedden, remain unrelaxed from a horning executed against them on for not freeing him, as bound by their act of caution, of £1000 due to the Treasurer by him as surety for the entry of Thomas Jerdane of Birnok and his two sons before the Secret Council.—Charge had been given to said Grahame to answer; and now, complainer appearing by Robert Scot, his son, there is decree as above
Page 128. against Grahame for non-compearance.

Decree against Andrew Learmonth for debt.

Complaint by Elizabeth Cranstoun, relict of Lancie Ker in Little Newtoun, that Thomas Ker of Masyndew and Andro Leirmonth in Kelso remain unrelaxed from hornings of 30th April 1596 and 19th July 1597 for not making furthcoming to her certain sums of money arrested in their hands, conform to a decree obtained by her before the Lords of Council upon 30th May 1595.—Charge had been given to Leirmonth to answer; and now, complainer appearing by Mr George Home, her procurator, there is decree as above against Leirmonth.

Sir James Hay of Kingask admitted of the Privy Council.

Conform to the King's letter to the Earl of Dunfermling, chancellor, dated at Quhythall, 17th November 1606, Sir James Hay of Kingask is received and admitted to be one of the ordinary number of the Privy
Page 129. Council, and, being present, gives his oath *in communi forma*.

Edinburgh, 23rd December.

Sederunt—Commissioner; Chancellor; Cassillis; Kinghorne; Uchiltrie; Roxburgh; Blantyre; Bishop of Dunkeld; Advocate; Collector; Bruntiland; Quhittinghame; Foistersait; Sir George Dowglas; Clerk of Register.

Registration of a Royal Act and Letter in favour of Sir William Cranstoun, Captain of the Border Garrison, exonerating him for all things hitherto done by him in his office in the Marches, including his summary execution of outlaws and prisoners without form of trial.

"The quhilk day the Act and Letter under-writtin, signet be the Kingis moist excellent Majestie, in favour of Sir William Cranstoun, Capitane of his Majesteis garesone, being presentit to the Lordis of his Heynes Prevey Counsall, and the samyn Act and Letter being red in thair audience, and they haveing considerit thairof and being weill advisit thairwith, the saidis Lordis findis that the said Act hes bene verie weill grantit be his Majestie to the said Sir William, and thairfore they have ordanit and ordanis the said Act and Letter to be insert and registrat in the Buikis of Secrite Counsale, and hes interponit and interponis thair authoritie thairto,—of the quhilk the tennour followis:—JAMES R. Forasmuche as oure trustie and weilbeloved Sir William Cranstoun of that Ilk, knycht, Capitane of the garisoun appointed to attend for that oure service of quyeting and bringing to oure obedience of those Middle Schyres of this Iyland, hes in that his chairge moist dewtifullie carreyed himselff and done us verie guid service in that his employment: Quhairin that this his fordwartnes in the executioun of oure commandiementis and directionis sould not heirefter infer any way unto him any hairme, hurte, or prejudice,—since the necessitie of the service quhairin he was imployed, and mony suddane incidentis that must neidis often happin and occur thairin, mycht not alwyse permit those prolixe formes accustumed in the civile pairtis of the kingdome to be used at all tymes, bot often tymes, for the advancement of the service, and that, by the reteyning of the nowmeris of outlawis quho wald oftymes at ones be apprehendit, and spending of tyme in convoying of thame to presonis and jayllis, in the mean seasoun the guid occasioun and opportunitie of effectuating of the lyke or better service sould not slip and be omitted, and thairwith the consideratioun of the unsuirtie of himselff and his company, to have the chairge of too mony presoneris disperat of thair lyff or pardoun all at ones, moved the said Sir William often tymes summarlie to mak a quick dispatche of a grite many notable and notorious thevis and villanes by putting thame to present death without preceiding tryall of jurye or assyse or pronunciatioun of ony convictioun or dome,—it being moist certane, lyke as the taciturnitie and silence of all men in complayneing any way of the said Sir Williames proceidingis is ane sufficient argument and assuirance, that in that his chairge he hes done no manifest injurye, oppressioun, or wrong to any of oure guid and obedyent subjectis: And, he being directit by us as a chirurgiane to mak incisioun and to cut away the rottin and cankered memberis and flesche being in those pairtis of oure kingdome, howevir the cure perhappis hes bene to the other memberis sum way grevous, yit, since his intentioun in the doing of it wes so dewtifullie groundit, and his employment thairin haveing producit so muche benefite and guid to thois pairtis, it caryis no reasoun Page 130 at all that in the efter aigeis any of his evill willairis sould then forge and pretend any mater of actioun, challenge, or accusatioun aganis him for ony point of service done by him enduring his employment, quhairas now perhapis they obscure thair malicious intent, in respect the

Acta 1606-7.

Acta 1606-7. present tyme affordis sufficient pruif boith to convince thair malice and to cleir the said Sir William in all his proceidingis. And thairfore, we, with advise of the Lordis of oure Prevey Counsale of that oure kingdome of Scotland, findis and declairis that the said Sir William Cranstoun, since the tyme of the conjunctioun of the two kingdomes of this Iland undir our empire, quhich wes the tyme of his first employment in the said service, unto the day and dait of thir presentis, hes careyed himselff moist dewtifullie. And quhatevir actioun, challenge, or accusatioun may at ony tyme heirefter be layd aganis the said Sir William frome his first employment to his present day for quhatsumevir his too summair proceiding, athir in taking, committing, convicting or quicklie putting to death of any persone within those Middle Schyris, we, for us, oure airis and successouris, do frelie renunce and dischairge the same by these presentis, authorizeing and allowing the said Sir William in all his proceidingis during the said space, and heirby dischargeing oure Justice Generall and his deputtis and all uther judges quhatsumevir, ather criminall or civile, and utheris quhatsumever our ministeris of law within that oure kingdome, of all troubling, molesting, calling, and conveyning or onyway accuseing of the said Sir William for ony point of his saidis proceidingis induring that space of his employment in service this bypast tyme. And thir presentis salbe unto thame for thair dischairge in that mater sufficient warrand. And heirwith oure will is that thir presentis be insert and registrat in the Buikis of Secrite Counsale of that oure kingdome *ad futuram rei memoriam.* Gevin at oure Courte of Quhythall the fyftene of December 1606."

Charge to certain nobles and barons to appear and give their best advice as to means for suppressing the renewed insolence and lawlessness of the Clan Gregor.

" Forsamekle as, albeit the course quhilk wes tane for exterminioun of the wicked and thivische race of the Clan Gregour hes bene mitigat, and some oversicht and permissioun granted unto thame to leif in the cuntrey and to injoy the braith of thair naturall air, upoun hoip that they, moved with a haitrent and detestatioun of thair formair evill lyff, sould have conformed thameselffis to his Majesteis obedyence and studyit be thair guid and peciable behaviour to haif bureyed and put in oblivioun thair former misreule and insolence, nevirtheles the Lordis of Secrite Counsale ar suirlie informed that the said Clan Gregour hes begun to renew thair former misdemeanour, not onlie be committing of stouthis, reiffis, soirning, and oppressioun upoun his Majesteis peciable and guid subjectis, bot by revissing and forceing of weymen, and utheris odious and detestable villanyis not worthy to be hard of in a cuntrey subject to a Prince who is airmed with pouer and force sufficient to repres and extirpat sic a infamous byke and insolent lymmairis. And, to the effect that the treuth of thir informationis may be the bettir knawin, and some solide and guid course tane for remidie of thir evillis and preventing the forder grouth of the insolence of thir lymmairis, necessar it is that the noblemen, barronis, and gentilmen of the boundis nixt adjacent to the saidis lymmairis be hard, and sic overturis as they can mak and gif in anent this mater be considerit and imbraced accordinglie: For quhilk purpois,

ordanis letters to be direct chairgeing Johnne, Erll of Tullibardin, James, Lord Ogilvy of Airlie, James, Lord Incheffray, Sir Duncane Campbell of Glenurquhy, Hary, Commendater of Sanct Colme, Buquhannane of that Ilk, Alexander Colquhoun of Lus, Galbraith of Culcreuch, Sir Thomas Stewairt of Gairnetullie, Stewairt of Balliachan, Stewairt ef Airnetullie, Johnne Stewairt Neilsoun of Fos, Johnne Robertsoun *alias* Tarlasoun, and Ferquhersoun, his eldest bruther sone, to compeir personalie before the Lordis of Secrite Counsale upoun the xiii day of Januair nixt to cum, to gif thair best advise and opinioun how the misreull and insolence of the saidis lymmairis may be suppressit and the cuntrey fred of thair forder trouble, undir the pane of rebellioun." Acta 1606–7. Page 131.

Charge for mutual assurance between the Earl of Glencairn and the Master of Winton.

There being "some variance," between James, Earl of Glencairne, and the Master of Wyntoun (*ante*, p. 222 and footnote), there is order to both parties to subscribe, within six days after the charge, under pain of rebellion, such form of assurance as shall be presented to them, to endure till 1st January 1608.

Charge for mutual assurance between Logan of Bonyton and the Tutor of Wariston.

The assurances between George Logane of Bonytoun and the late Patrik Kincaid, tutor of Wareistoun, being now almost expired, but the quarrel between Logane and the brothers and friends of the deceased still continuing, there is to be charge as above to the said George and to Kincaid, now tutor of Wareistoun.

Proclamation against coming to the bar of the Privy Council attended by a convocation of friends.

Although, in order to stop the "moist undecent and unseamelie custome" of coming with convocation of friends in cases where parties have action before the Privy Council, proclamation had been made discharging such convocations, under the following pains: viz., the pursuer to lose his action, defender to be denounced, and the persons accompanying them to be committed to ward and fined,—whereby the Lords had expected "that the said undecent and uncomelie custome of convocatioun and backing of pairtyis at the bar sould have become in dissuetude,"—yet, "pairtlie upoun misknawledge and ignorance pretendit be the leigeis at the first proclamatioun, and pairtlie be the ouersicht and impunitie of those quho heirtofoir hes offendit," the custom continues. There is order therefore for new proclamation at the market cross of Edinburgh, certfying all who may offend that the pains specified in the first proclamation will be executed against them without favour. It is declared, however, that, if any pursuer or defender "will crave libertie to ony persone to speik for thame," then, "upoun informatioun to be maid thairof to the Counsale, the said persone sälbe callit upoun and hard." Page 132.

Edinburgh, 25th December.

Sederunt—Chancellor; Cassillis; Kinghorne; Roxburgh; Advocate; Privy Seal; Clerk of Register; Sir George Douglas; Sir Johnne Arnot.

Decree against Strachan of Brigton for debt to Mr

Complaint by Mr Andro Melvill, provost of the New College in Sanct Androis, and Mr Johnne Johnnstoun and Mr Patrik Melvill, principal masters of the same, that Alexander Strauchin of Brigtoun remains Page 133.

Acta 1606–7. unrelaxed from a horning of 5th instant for not paying them £60 conform to his obligation.—Complainers appearing by James Spence, warrant is given to the Captain of the Guard to apprehend defender and inventory his goods for non-compearance.[1] Andrew Melville and others, of New College, St Andrews.

Complaint by Petir Hay of Kirkland that William Ruthven of Bandane remains unrelaxed from a horning of 17th October last for not paying him £6 for each boll of 30 score bolls of victual as yet undelivered, the terms of payment being past, and 8 merks as the price of each boll of Page 134. 40 score bolls of victual.—Complainer appearing by William Hay, there is decree as above against defender for non-compearance. Decree against Ruthven of Bandane for debt.

Complaint by Johne Carmichaell, tailor, burgess of Edinburgh, that Robert Heriot, younger of Trabroun, Sir Alexander Hammiltoun of Fentoun, and George Setoun of Northrig, as principals, and Mr George Wauchop, apparent of Gleghorne and Robert Crystie, merchant, burgess of Edinburgh, their cautioners, remain unrelaxed from hornings of 5th, 10th, and 13th instant. for not paying him 2000 merks as principal and Page 135. 400 merks for expenses.—Complainer appearing, but none of the defenders, there is decree as above against them. Decree against Heriot of Trabroun and others for debt.

Complaint by Waltir Scot, brother of Williame Scot of Burnefute, that Waltir Scot of Eidschaw remains unrelaxed from a horning of 3rd instant for not fulfilling a contract, dated 2nd July last, made between complainer on the one side and defender, Robert Scot, his son, and Elizabeth Scot, spouse of the said Robert, on the other side.—Charge had been given to the Laird of Eidschaw to answer; and now, complainer appearing by Lowrence Scot, there is decree as above against defender for non-compearance. Decree against Scott of Eidshaw for not implementing a contract.

Page 136. Complaint by Mr Johnne Monro, minister at Tarbett, that Waltir Ros of Ballamukie remains unrelaxed from a horning of 9th January last for not paying him £10 as the price of each of 15 bolls of bear of the crop 1603.—Complainer appearing by Mr George Monro, there is decree as above against defender for non-compearance. Decree against Walter Ross for debt.

Complaint by Ewphame Montgomerie, spouse of Johnne Hamiltoun in Nether Hairschaw, and by Gawin and Archibald Hammiltonis, his sons, Johne Montgomerie of Grenefeild, James Hammiltoun in Haisdane, Johnne Kirkland in Corrochhoill, Symont Hammiltoun in Busbie, and Page 137. Williame Hammiltoun, his brother there, that they have been put to the horn at the instance of Jonet Young, sometime in Nether Hairschaw, and of Johnne and Andro Brysonis, her sons, Alexander Young in Ardoch, Johnne and James Youngis, his sons, Johnne Young in Cathcairt, Johnne and Alexander Youngis, his sons, in default of finding caution, each of them in 400 merks, for their indemnity. Complainers were never lawfully charged and did not hear of the charge till long after their denunciation; wherefore, and in respect that they have now found the cautioun required, the said horning should be suspended.—Said Archibald Hammiltoun Suspension of horning against Eufame Montgomery and others.

[1] At this moment Andrew Melville was in London, warded in the house of the Dean of St Paul's. See *ante*, p. 280, footnote.

appearing for himself and the other pursuers, but none of defenders appearing, the Lords do suspend the letters. Acta 1606–7.

Edinburgh, 30th December.

Sederunt—Chancellor; Kinghorne; Uchiltrie; President; Blantyre; Bishop of Dunkeld; Collector; Privy Seal; Advocate; Clerk of Register; Bruntiland; Sir George Douglas.

Act fixing the price of drinking beer.

Considering the "grite and extraordinar prices tane universallie ouer all the pairtis of this kingdome for drinking beir, quhilk hes proceidit upoun a lang custome, ouersicht, and libertie quhilk the ventairis and sellaris of beir hes had to sett, rais, and hicht the prices of the same without controlment at thair pleasour, whereas, gif a reasounable and moderat conformitie wer keipit betuix the prices of the grayne and the prices of the beir, the same mycht be sauld upoun far moir moderat and chaiper prices nor presentlie it is," the Lords enact that till 1st February next no beer shall be sold for more than 2s. per pint, and that none after that day shall be charged more than 18d. per pint, under pain of £10 and 15 days' warding for the first offence, £20 and a months' warding for the second, and, for the third, loss of liberty within the burgh or town where the contravener resides. Page 138.

Charge to the new Laird of MacIntosh and certain others to appear and answer for the good rule of his men, endangered by the death of the late Laird.

Lauchlane M°Intosche of Dunnauchtan being dead, "and na solide ordoure as yit tane who salbe ansuerable to his Majestie and Counsale and to complenairis for sic personis as the said umquhill Lauchlane in his tyme wes maid to ansuer for," there is reason to fear that some persons may "begyn to renew thair bigane wicked trade of lyff, fra the quhilk during the lait yeiris of the said umquhill Lauchlanis lyftyme they wer restrayned." There is order, therefore, to charge M°Intosche, now of Dunnauchtane, and his tutors and curators, if he has any, and also Angus M°Intosche Williamsoun and William M°Intosche, to appear before the Council on , under pain of rebellion, to answer touching the good rule of those for whom the late Lauchlane was liable. Page 139.

Edinburgh, 1st January 1607.

Sederunt—Commissioner; Chancellor; Errole; Cassillis; Balmerinoch; Uchiltrie; Blantyre; Roxburgh; Bishop of Ros; Bishop of Dunkeld; Master of Lowthiane; Master of Elphingstoun; Justice Clerk; Privy Seal; Quhittinghame; Bruntiland; Advocate; Collector; Clerk of Register; Foistersait; Sir George Dowglas; Sir James Hay.

George and Andrew MacCubine against John and George Harvie for assault.

Complaint by George M°Cubene, and Andro M°Cubene, his brother, servitors to George Crawfurd, younger of Leifnoreis, as follows:—While they were attending the market in the town of Cumnok on October last, Johnne Hervie at Skillingtoun-mill, and George Hervie, his eldest son, pursued them for their lives. George Hervie struck the first complainer on the head with his sword guards, and therewith "dang in his harne pane and fellit him deid [sic] to the ground," and Johnne Hervie

Acta 1606-7. "strak the said George [? Andro] in at the bak with ane mylne pick," to the effusion of his blood in great quantity.—Both parties appearing, and
Page 140. defenders having alleged that they had been attacked by the pursuers, that the said Johnne Hervie had been mutilated by them at the time and place foresaid, and that the pursuers, fearing the result of their trial for this mutilation, "reasit this persute to use a precognitioun in this mater, and sua to frustrat thair criminall persute," the Lords ordain the defenders to pursue the M°Cubenis before the judge ordinary for the said mutilation by 15th February next.

Decree against Ross of Balnagown for lying at the horn for debt.

Complaint by Katherine Monro, only lawful daughter and heir of the late Johne Monro of Mekle Dean, and by Andro Monro, her father-brother and tutor of law, for his interest, that George Ros of Balnagowne remains unrelaxed from a horning of 22nd October last for not paying pursuer the profits of the lands of the half "dauche" and two oxengang of Mekle Dean for the years 1595, 1596, and 1597, wrongously intromitted with by the defender, as specified in a decree obtained against him by her late father, dated 30th January 1597,—which decree is transferred to the complainers by the commissary of Ros. Complainers appearing by Mr
Page 141. George Monro, warrant is ordered to the Captain of the Guard to apprehend the defender and inventory his goods.

Decree against the same Ross of Balnagown for not fulfilling a contract.

Complaint by Robert Monro, eldest son and heir of the late Hectour Monro of Foullis, and by Andro Monro, his tutor, for his interest, that the said Ros remains unrelaxed from a horning of 22nd October last for not infefting and seising complainer in the town and lands of the "dawche" of Innercheslay, Glenmuik, Stronhoscher, and the coble fishing called the Fulasche Aossache, with all their draughts, together with the defender's part of the salmon fishing of the water of Calsay and Lyn thereof used and wont, conform to a contract made between defender and Hectour, dated 8th May 1602,—which contract is transferred to the complainers by a decree of the commissary of Ros.—Complainers appear-
Page 142. ing by Mr George Monro, there is decree as above against defender for non-compearance.

Decree against Alexander Sanderson for debt.

Complaint by Robert Home in Leith that Alexander Sandirsoun in Prestoun remains unrelaxed from a horning of 18th December last for not paying him 200 merks as principal and £20 for expenses.—Complainer appearing, there is decree as above against defender for non-compearance.

King's Advocate and John MacDougall against Alexander Mackie and others for violence and for bearing fire-arms.

Complaint by Sir Thomas Hammiltoun of Monkland and Johnne M°Dowgall of Freuch, as follows:—On 7th April last Alexander M°Kie of Balseir, Johnne M°Kie, his son, Gilbert Ekleis, his servant, Johnne M°Kie of Glassok, George Glasfurd, servitor to said Alexander, Johnne M°Ilmeyne in Balseir, Waltir M°Kie there, Johnne Blak in Quhythillis, Johnne Hannay there, George Hannay at the kirk of Sorbie, and Johnne Kennedy, servitor to the Laird of Blairquhan, with others, all armed
Page 143. with swords, plaitsleeves, secrets, gauntlets, and other weapons, and with hagbuts and pistolets, came to the lands of Carfraggane belonging to the said Laird of Freuch, and, with bended pistolets

in their hands, "raid athorte" the said lands in search of him for his slaughter. As, "be the providence of God quho is the protectour and defendour of the innocent," he was absent for the time, they came to his ploughmen, loosed their ploughs, and chased away the oxen and horses, "avowing with mony horrible and blasphemous aithis to have thair lyveis" if they were found on the same lands again. Their intention is to appropriate the said lands to themselves, or at least to lay them waste.—Charge had been given to Alexander M°Kie of Balseir, Johnne M°Kie, his son, Gilbert Ekiles, his servant, and George Hannay at the kirk of Sorbie, to answer; and now, complainers appearing, but none of the defenders, the Lords, after hearing the depositions of witnesses, find the Laird of Balseir and his son to have been guilty of bearing hagbuts and pistolets as libelled, and therefore ordain them to be committed to ward in the tolbooth of Edinburgh, within ten days after the charge, under pain of rebellion, but assoilzie Eklis and Hannay. Acta 1606–7. Page 144.

Protest by Lundy, younger of Gorthy, charged with ill-treatment of his father.

George Lundy, apparent of Gorthie, appearing and giving in a copy of the letters raised by Mr George Lundy of Gorthy, his father, charging him to enter his said father before the Council this day in order to his liberation, and also to answer for possessing himself of the whole of his father's living and for seizing his person and detaining him in strait firmance, protests, in respect of the non-appearance of his father either personally or by procurator, that he shall not be held to answer farther till again warned. The Lords admit the protest.

License to Robert Flesher and other inhabitants of Dundee, banished the burgh for faction, to return thither and remain there during the sitting of a Commission appointed for settling the distraction among the burgesses.

On account of the "grite hurte" sustained by the burgh of Dundie these last three years by reason of the "present divisioun and distractioun" among its inhabitants, and in order to the removal of the strife, so that, "concurring togidder in a christeane harmonie, love, and societie," they may "not onlie be the mair able to advance his Majesteis authoritie and service, bot alsua to procure thair awne particulair weillis and the publict banifite of the haill toun," it has pleased his Majesty to grant commission to certain neutral and honest burgesses to repair to the said burgh, investigate the origin of the "distractioun," and take such measures for settling it as may seem expedient. Therefore, the Lords, anxious that there be no hindrance, and seeing nothing can be done without the presence of certain persons who had been removed from the said burgh by a decree of the Privy Council as being "pairtyis upoun the ane factioun," grant licence to William Rollok of Balbegy, Robert Flescheour, Andro Flescheour, his brother, Waltir Rollok, and James Finlaysoun, burgesses of Dundie, to repair thither and remain during the trial foresaid, but require them not to come out of their lodgings while the commission sits, and to withdraw themselves from the town afterwards. (Compare *ante*, pp. 94–100.) Page 145.

Edinburgh, 3rd January 1607. Warding of Logan of Bonington and

In respect of the "insolence" of George Logane of Bonytoun and his sons on the one side, and the Tutor of Warcistoun on the other, in having assaulted one another in Edinburgh this day, both parties are to be charged

Acta 1606-7. to enter in ward in the Castle of Edinburgh, and remain there till order be taken for their punishment. the Tutor of Wariston.

Sederunt—Commissioner; Chancellor; Abircorne; Lowtheane; Uchiltrie; Balmerinoch; Roxburgh; Blantyre; Bishop of Sanct Androis; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Privy Seal; Advocate; Collector; Clerk of Register; Quhittinghame; Sir George Dowglas; Master of Lowtheane; Master of Elphingstoun; Sir Johnne Arnot. Edinburgh, 6th January.

Act for abating the factitious scarcity and exorbitant prices of fowls, wild and tame, in Edinburgh, by fixing the prices of such in future, and punishing forestallers of the poultry market and other offenders.

Although there have been divers proclamations for "restreaning of the grite and extraordinar derth of wyld and tame foullis keipit and haldin up within this burgh be a nomber of avaritious and gredy personis callit
Page 146. poultreymen," yet the said persons not only use "ane publict and avowed regraiting and foirstalling of all sic viveris," by having "thair boyis and servandis attending and awaitting twa or thre myllis fra this burgh at the ordinair gaittis and passageis leiding to the same, where they buy fra the straingeairis comeing to the mercat all sic foullis, wyld and tame, as they have," but also conceal the said goods in their houses, bringing only a small part thereof at a time to the market, so that, "pretending ane excuse of scairsitie, they extort sic exhorbitant and schamefull prices for that quhilk in smallis they present to the mercat as aucht not to be tollerat and sufferit in ony weill governit estaite and republicque,—especialie quhair God hes sa aboundantlie enricht and plentifeit the same with all stoir and sufficiencie of sic necessaris." By this means "the noblemen and counsallouris of this estaite, and all utheris rankis of personis, who hes so many and frequent occasionis of repairing and remaneing within this burgh, ar verie extraordinairlie handlit and schamefullie misusit be thir avaritious fellowis, and this burgh, being the ordinarie place of his Majesteis Counsale and Sessioun, quhair best ordour sould be keipit, and quhair the nobilitie and subjectis sould be moist kyndlie intertenyit, and usit with moderat and reasonable prices of thair vivers, is now become ane example of derth to all uther townis of the cuntrey." The Lords therefore discharge all persons within the burgh from selling any fowls, wild or tame, in Edinburgh, the Cannogait, Potterraw, or at the West Port, under the pain of £40, confiscation of the fowls, and warding for 15 days, and ordain them to suffer the strangers who bring the said fowls to this burgh to sell the same in open market. Further, that the strangers may not raise the prices of their fowls or "imitat the pultriemen" in hoarding their goods in houses and cellars and presenting them "in smallis" so as to keep up appearance of dearth, the following are fixed as the prices of fowls in Edinburgh in time coming,—viz. capon of best quality 10s., hen 6s. 8d., pair of cunings 18s., pair of plovers 10s., partridge 8s., pair of doves 3s. 4d., muir-fowl 6s. 8d., black-cock 8s., wood-cock 4s., wild duck 6s. 8d., quhaip 5s., dozen of laveroks 3s., snipe 16d., "ane richt wild guis" 18s., "ane mangrell guis" 13s. 4d., tame goose

12s., teill 3s., dozen of eggs 2s., pair of chickens 3s. 4d.,—while there is command also to all persons bringing such goods to the burgh to present the whole in the market and conceal no part thereof. Persons taking higher prices than are here set down, or presenting to the market only part of their goods, are to be fined £10, and warded for eight days, and their fowls are to be confiscated. The provost and bailies of Edinburgh are to take special care that this Act receive due execution. Acta 1606-7. Page 147.

Edinburgh, 8th January.

Sederunt—Commissioner; Chancellor; Cassillis; Lowtheane; Bishop of Sanctandrois; Bishop of Dunkeld; Roxburgh; Balmerinoch; Blantyre; Master of Lowtheane; Master of Elphinstoun; Justice Clerk; Privy Seal; Advocate; Quhittinghame; Collector; Foistersait; Sir George Dowglas; Sir Johnne Arnot.

Decree against Learmonth of Dairsie and others for lying at the horn for debt.

Complaint by James Brounfeild of Nether Mains that William Leirmonth, fiar of Dairsie, and Thomas Monypenny of Kinkell, as principals, and Mr William Forbes, merchant, burgess of Edinburgh, and Mr Johnne Clapen of Bellintagart, as suirties for them, remain unrelaxed from hornings of 16th, 19th, and 20th December last, for not paying him 3000 merks as principal and 500 merks for expenses, and also the annualrent of said principal at the rate of ten per cent. for all years resting unpaid.—Complainer appearing, but neither of the principals nor Clapen as charged, there is warrant to the Captain of the Guard to apprehend them and inventory their goods. Page 148.

Decree against William Carmichael for debt.

Complaint by James Strauchane, notary, burgess of Dundie, in name of Beatrix, his daughter, that Williame Carmichaell, burgess there, remains unrelaxed from a horning of 22nd November last for not paying her £100 as principal and £20 for expenses.—Complainer appearing by his son, there is decree as above against defender for non-compearance.

Decree against Graham of Thornick and others for not fulfilling a contract.

Complaint by William Moncreif of that Ilk that William Douglas of Drumgarnald, Robert Grahame of Thornik, and Waltir Stewart, portioner of Innerdoning, cautioners for the late Johnne, Earl of Athoill, remain unrelaxed from a horning against them for not paying him certain sums of money specified in a contract made between him and them.—Complainer appearing by Mr Coline Ramsay, there is decree as above against defenders for non-compearance. Page 149.

Decree against Andrew Arnot and others for not paying the impost on wines.

Complaint by Robert Bennet, collector depute of his Majesty's impost on the wines, that Andro Arnot, bailie of Perth, Gabriell Merser, bailie there, and Johnne Pitcairne, taverner there, remain unrelaxed from a horning of 24th October last for not paying him the dues following for wines brought home in 1606, viz. Arnot £850, Merser £129, 16s. 8d., and Pitcairne £125, 10s.—Complainer appearing by Archibald Prymrois, decree as above against defenders for non-compearance. Page 150.

Decree against Patrick Borthwick for debt.

Complaint by Robert Hepburne of Aulderstoun that Patrik Borthuik, brother of James Borthuik in Coittis, remains unrelaxed from a horning of 19th November last for not paying him £50 as principal and £10 for

Acta 1606–7. expenses, and also 500 merks as principal with 100 merks for expenses. —Complainer appearing personally, there is decree as above against defender for non-compearance.

Page 151. The assurances between Sir Robert Gordoun of Lochinvar and Alexander Stewairt of Garleis being now expired, there is order to charge both parties, under pain of rebellion, to subscribe such new form of assurance as shall be presented to them, to endure till 1st January 1608. Assurance between the Lairds of Lochinvar and Garlies.

There being "sum variance" between Johnne, Lord Maxwell, Robert, Master of Maxwell, James Maxwell, his brother, Johnne, Lord Hereis, William Maxwell, his brother, Sir Robert Maxwell of Spottis, Alexander Maxwell of Logane, Patrik Maxwell of Newwark, David, Johnne, and Mr Alexander Maxwellis, his brothers, William Maxwell of Cowhill, Archibald and Johnne Maxwellis, his brothers, Edward Maxwell, elder of Tynwall, William and Harbert Maxwellis, his sons, Johnne Maxwell of Kirkconnell, Harbert Maxwell of Cavence, James Maxwell of Portraik, Johnne Maxwell of Conhaith, Edward Maxwell of the Ile, Johnne Maxwell, called Captain Johnne, and Maxwell of , on the one part, and Johnne Creichtoun of Crawfurdstoun, James Creichtoun, his son, William Creichtoun in Auchintagart, James Creichtoun, brother of William Crechtoun in Dernhunch, Johnne Edzer of Inglistoun and William M^cGowne in Crawfurdstoun, on the other part, there is order to charge both parties, under pain of rebellion, to subscribe an assurance to one another, to endure till 1st January 1609. Charge for assurance between the Maxwells and the Crichtons.

Edinburgh, 9th January. For the better keeping of the peace within Edinburgh between James, Marquis of Hammilton, and Johnne, Lord Maxwell, during their residence therein, it is ordained as follows:—The Marquis may repair daily after 2 Page 152. o'clock to any place in the burgh, but must keep his lodging in the forenoon. Lord Maxwell, on the other hand, may, with the exception underwritten, go any where daily till 12 o'clock noon, but must not go out again till next morning. On Sundays, "gif they be willing to go to the kirk," the Marquis is to come direct from his lodging to Sanct Jeillis kirk and Lord Maxwell either to the College kirk or to the Abbey kirk, and both are to return straight to their lodgings and remain there the rest of the day. Every Monday the Marquis may be out of his lodgings all day, and consequently Lord Maxwell is to keep *his* that day. Intimation hereof is ordered to be made to them both by the macer of the Council. Regulations for the better keeping of the peace in Edinburgh between the Marquis of Hamilton and Lord Maxwell.

Edinburgh, 13th January. *Sederunt*—Commissioner; Chancellor; Orknay; Glammis; Lindsay; Uchiltrie; Balmerinoch; Blantyre; Scone; Bishop of Glasgow; Bishop of Dunkeld; Quhittinghame; Master of Elphingstoun; Murdocairny; Justice Clerk; Privy Seal; Advocate; Collector; Sir George Douglas; Bruntisland; Sir James Hay; Sir Johnne Arnot.

[No record of proceedings.]

Edinburgh, 15th January.

Sederunt—Commissioner; Chancellor; Hammiltoun; Angus; Cassillis; Orknay; Home; Dumbar; Wigtoun; Kinghorne; Abircorne; Lowtheane; Lindsay; Uchiltrie; Elphingstoun; Herreis; Balmerinoch; Roxburgh; Lowdoun; Scone; Master of Montrois; Master of Lowtheane; Master of Elphinstoun; Blantyre; Torphechin; Bishop of St Androis; Bishop of Glasgow; Bishop of Dunkeld; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Murdocairny; Bruntiland; Quhittinghame; Kilsyth; Sir George Douglas; Sir James Hay; Foistersait; Sir Johnne Arnot. Acta 1606-7.

Anent the issuing of criminal letters against Borderers.

For causes concerning the quietness of the three wardenries, the Lords ordain the Justice Clerk not to direct any criminal letters against any inhabitants thereof till he obtain the warrant of the said Lords to that effect. Page 153.

Edinburgh, 17th January.

Sederunt—Commissioner; Chancellor; Hammiltoun; Cassillis; Dumbar; Orknay; Wigtoun; Abircorne; Lowtheane; Kinghorne; Lindsay; Uchiltrie; Balmerinoch; Bishop of St Androis; Bishop of Glasgow; Bishop of Dunkeld; Scone; Blantyre; Lowdoun; Master of Elphinstoun; Master of Montroise; Master of Lowtheane; Quhittinghame; Advocate; Collector; Kilsyth; Murdocairny; Bruntiland; Foistersait; Sir Johnne Arnot.

Submission of the feud between the Earls of Eglinton and Glencairn.

Hew, Earl of Eglintoun, Robert Montgomerie of Skelmurelie, Montgomerie of Hissilheid, James Mowat of Busbie, James Dunlop of that Ilk, and Hew Ralstoun of that Ilk, on the one part, and James, Earl of Glencairne, Johnne Cunynghame, his brother, David Cunynghame of Robertland, Alexander Cunynghame of Corshill, Patrik Maxwell of Newwark, Johne Maxwell, his brother, Johnne Maxwell of Stanelie, Mr James Cunynghame of Montgrenane, Patrik and William Cunynghames of Aikit, Alexander Cunynghame of Tourlandis, and Andro Arnot, younger of Lochrig, on the other part, appear personally, subscribe a submission of their feuds, and nominate arbiters, conform to the Act of Parliament.

Earl of Abercorn's promise.

James, Earl of Abircorne, promises to cause Lord Semple and the Lairds of Cauldwell and Langschaw to subscribe this submission, and to report the same, with the nomination of Lord Semple's friends, to the Council by 29th instant,—for which purpose the said submission is delivered to the said Earl.

Earl of Eglinton to answer for George Montgomery.

Hew, Earl of Eglintoun, and Robert Montgomerie of Skelmurlie declare that George Montgomerie, brother of the said Robert, shall be comprehended in this submission as if his name had been inserted therein.

Protest by Maxwell of Stanley.

Johnne Maxwell of Stanelie protests that, although he has subscribed the submission between the Earls of Eglintoun and Glencairne, he shall not thereby be debarred from prosecuting according to law the slayers of his father who are not comprehended therein.

Acta 1606-7. Page 154.

William Montgomerie of Busbie declares that he is willing to be comprehended in his chief's submission and abide by the same. Montgomery of Busby's declaration.

As Cunynghame of Aiket, Cunynghame of Clonbae, Hew Cunynghame of Saltcoittis, Patrik Montgomerie of Flatt, and Thomas Montgomerie of Blakstoun, who are also interested in the above feud, have not appeared with their chiefs to consent to the said submission, there is order to charge them to appear on 24th February next to answer in the premisses. The Laird of Braidstane is likewise to be summoned on 60 days' warning, as he is at present abroad, to appear the same day [sic] to the effect foresaid. Charge to Cunningham of Aiket and others anent the submission of their feud.

For the removal of the feud between Cunynghame of Glengarnok and Montgomerie of Hessilheid, there is order to charge them to appear before the Council on 24th February next, prepared to submit the same to the arbitration of neutral friends. Charge to the Lairds of Glengarnock and Hazelhead.

"The quhilk day the twa missive letters undirwrittin, signed be the Kingis moist excellent Majestie, the ane anent the forme and ordoure of proceiding aganis sic noblemen as ar suspectit in thair religioun, and the uther anent the ordour to be usit aganis sic prisbitereis as refuissis to ressave thair moderatouris conforme to the Act of Linlithqu, being presentit unto the Lordis of Secrite Counsale and red in thair audience, the saidis Lordis, with all dew reverence, allowis and approvis of his Majesteis moist wyse and princelie resolutioun in the twa pointis abone-writtin, and ordanis his Majesteis will and directioun in the saidis two letters to be followit out and obeyit:—Off the quhilkis letters the tennoure followis:—[I.] JAMES R. Richt trustie and weilbelovit cousingis and counsallouris, We grite yow hairtlie weill:—Haveing bene laitlie certifeit of the proceidingis of the Generall Assemblie keipit in that oure kingdome, and thairwith acquented with that motioun maid thairin by the ministerie then conveyned that a humble petitioun sould be preferred unto us in thair name for confyneing of such noblemen and thair ladyis who wer dilaited at that Assemblie for avowed professing papistis within suche burrowis, citeis and townis as ar specialie set doun in the note of thair proceidingis: Upoun dew consideratioun alswele of the inconvenientis that may arryse thairthrow as of the weill and benfite the same may produce, We haif thocht meit to certifie yow particulairlie of our resolutioun heirin, and efter quhat forme we wald haif yow to proceid thairunto. For, as the intent of the Assemblie in confyneing those noblemen is to no uther end or purpois bot, by thair resorting to the heiring of the Word and utherwyse by conferrence with godlie learned men, they may be diverted fra thair superstitious opinionis and hereseis, and thairby broght to be guid and dewtifull subjectis, so this same ordour whiche we ar now to prescryve and set doun to be execute be yow will work a grite deale bettir that same effect and purpois, whereas the other, confyneing within the boundis of a citie or toun and interdicting of thame frome repairing to thair awne houssis, might be thocht a forme of wairding,—whiche, without preceiding tryall, at leist knawledge of sum offence, and Copies of letters from his Majesty, (1) concerning the mode of dealing with noblemen suspected in their religion, (2) concerning presbyteries refusing to receive "constant moderators," as required by an Act of the late Linlithgow Convention, and ministers refusing to serve as "constant moderators." Approbation by the Council of the tenor of both letters.

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King's letter respecting noblemen not conforming to the established religion.

thairupoun speciall directioun gevin ather by us or oure Counsale, wilbe accomptit weill rigorous. And thairfore oure pleasour and will is that ye do call those particulair noblemen quhois names ar gevin up to be contrair professouris, at leist suspected of the same, before you at suche severall tymes and dyettis as ye sall think expedient, and with everie nobleman the bischop also of the dyocie, the moderatour of the prisbiterie, and pastour of that paroche quhair his ordinarie residence and dwelling is for the moist pairte, and then enquire of thame anent the particulair behaviour of that nobleman conveyned before yow, and quhither he dois repair to churche to the heiring of sermonis, and utherwyse dois abstene frome anything that may gif mater of skandaill. Quhiche gif they afferme to be done by the said nobleman, we can sie no reasoun quhairfore he sould be confyned; bot, gif they do declair that not onlie he nawyse resortis to churche, bot that utherwyse, alswele in the governament of his familie and houshold as in his awne persoun or professioun, he being found, by being not communicant and utherwyse, to be ather ane direct adversare or ellis not weill resolved in the treuth, then we wald haif you to confyne every suche nobleman, as justlie suspected to be thus evill affected in religioun, and in that respect a dangerous subject in the estaite, within the compas of so many myllis as salbe of distance betuix that noblemanis ordinair place of dwelling and residence and the burgh, toun, or citie unto quhich by that petitioun sent unto us they war particularlie desyred to be confyned, that so in the mean seasoun, as ather the necessitie of ordour-taking with his awin privat effairis, or his desyre to visie his wyff, childrene and familie, sall occur, that he may haif his awne tymes boith to repair unto that toun unto quhich he is appointed and als reside sum-tymes at home: as, for ane instance, in every moneth he may remane in that citie or toun sum ten dayis togidder, quhairof two salbe Sondayis or thairabout, and the remanent of the moneth sall at his pleasure repair to his awne house. Bot heirin we leave to your discretioun the particulair setting doun of the proportioun of the tyme of thair stay within the saidis cities and townis, quhair they ar to be confyned. Induring all the quhich stay of the said nobleman in the said citie or toun, he is to be specialie commandit to resorte upoun Sondayis to the heiring of sermonis, and upoun those dayis and other dayis of his residence to be alwyse reddy to confer for getting resolutioun of suche doubtis as he can object for not conformeing himselff to the present professioun. Lykeas our will is that ye sould admonische also the bischope of that dyocie, the moderatour of that prisbiterie, and minister of the paroche, that they not onlie be reddy thameselffis, bot also adverteis suche otheris of thair bretherine quhome they accompt fittest for that purpois, to be alwyse reddy as they salbe required to gif all dew satisfactioun in [such] materis of dout and questioun as salbe moved by the saidis noblemen or any of thame in the said mater of religioun. And als the said noblemen, thus confyned, ar specialie to be commandit and directed, als wele indureing thair stay in the saidis townis as in thair residence at home, to repair to sermonis on

Acta 1606–7.

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Acta 1606–7. the Sabboith day, and to gif the chairge and educatioun of thair childrene to such as ar knawin to be of ane unsuspected religioun, and to forbeir frome ressetting or intercommoning with ony Jesuite, seminarie preist, or excommunicat papist. And, gif at any tyme the necessitie of thair adois sall require and enforce thair presence ather before oure Prevey Counsale, Sessioun, or utherwyse in the toun of Edinburgh, then specialie, suit being maid be thame, a licence may be granted by sevin at leist of our ordiner officeairis of oure Counsall, all sitting togidder, to ony suche nobleman desyrair thairof for some certane space, providing that during his stay thair he boith repair to sermone, be reddy for conference and utherwyse abstene from any thing that may produce publict skandaill. And in the meantyme oure will and pleasour is that suche penalteis of law incurred by any of those noblemen by thair transgressing athir of thair privat bandis or of generall statuteis may be socht to be declaired, and they adjudgeit and decerned to pay the same, to the effect thairupoun we may tak suche ordour as thair behaviour sall deserve at our handis. And, efter putting of those noblemen to a poynte, oure pleasour is that ye proceid in this same maner of confyning of such other knychtis and gentilmen as salbe gevin up any way to be oppin professouris, at the leist justlie suspect, of papistrie, that so thair may be no ordinarie meanis left to draw thame to the knawledge of the trew religioun. And, quhair obstinacie sall so posses thame as that thair be no esperance of thair recalling within the space of a yeir, quhiche is the terme prescryved be the Act of Parliament for every persone to communicat, then it is oure will that the rigour and extremitie of the lawis maid aganis Papaistis and Not-Communicantis be prosequute aganis thame, as not onlie enemeyis of Godis treuth, bot quho also may be justlie suspected to be daingerous subjectis to the Estaite. And heirwith we ar specialie to recommend unto yow that exact tryall be taikin of these two verie heynous offenceis, commited at the two severall buryallis and funerallis of the Lord Ogilvy and Laird of Geicht, quhairin thair wes sum superstitious cerimoneis and rittes used, as gif the profession of papistrie had bene specialie licenced and tolerated; and, upoun the knawledge of the authouris of those insolenceis, oure pleasour and will is that ye do presentlie commit thame, and, efter the examinatioun of all the particulair circumstances in that mater, that ye acquent us thairwith, to the effect that we may returne bak unto yow oure will and pleasour thairin. And so we bid yow richt hairtelie fairwele. Frome our Courte at Quhithall, the thrid of Januair 1607.—[II.] JAMES R. Richt trustie and weilbelovit cousingis and counsallouris we grite yow hairtlie weill:—Quhairas it may fall furth that sum of the prisbitereis, being too muche addicted to this anarchie and confusioun in the estaite of the Churche of that oure kingdome, will refuise to admit and ressave suche ane Constant Moderatour as hes bene concludit upoun [in] the Generall Assemblie laitlie haldin in that oure kingdome, as in lyke maner perhappis some of those moderatouris that ar choisin (pretending thair conscientious zeale to all paritie and rather wishing a continewing volubilitie than any

King's letter respecting noblemen not conforming to the established religion.

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King's letter for enforcing the Act of Linlithgow anent Constant Moderatorships.

setled and constant forme of governament in the Churche) will mak a schaw of refuise of any supremacie above thair bretherine; bot, becaus heirby the hole proceidingis of that Assemblie may turne ineffectuall gif the refuise ather of the one or uther wer ony way tollerate, it is thairfoir oure pleasour and will that ye direct chairgeis aganis any suche prisbitereis or moderatouris that sall mak any suche refuise, commanding thame, under the pane of horning, to conforme thameselffis to the will of the said Assemblie. In doing quhairof ye sall do us acceptable service. And so we bid yow richt hairtlie fairwele. Frome oure palace of Quhythall the thrid of Januair 1607."[1] Acta 1606-7.

Charge of Council for receiving "Constant Moderators" of Presbyteries, conform to the Act of "the General Assembly" held at Linlithgow in December last: with list of the "Constant Moderators" so appointed.

"Forsamekle as at the Generall Assemblie of the Kirk keipit at Linlithgow in the moneth of December last, and assisted be a verie frequent nomber of the nobilitie, counsall, and barronis of the kingdome, it wes thocht verie meit and expedient, and in end concludit and aggreit with uniforme consent of the Assemblie, that, for the weill of the Kirk and staying of the grouth and nomber of papistis in this kingdome, thair sould be a Constant Moderatour for a certane tyme nominat in every prisbiterie, quho sould have the chairge to informe oure Counsale of all papistis and recusantis in thair boundis, and to sute the executioun of oure lawis aganis thame, as in the Act maid thairupoun at lenth is contenit,—quhilk being sene and considerit be his Majestie, his Heynes hes not onlie allowit and approvin the same and interponit his authoritie thairto, bot

[1] From copies of these two letters of the King preserved in the separate volume of *Royal and other Letters* it appears that they were both dated "Whitehall, 3rd Jan. 1607." By that time, therefore, the King had made up his mind as to the proceedings of the Linlithgow Convention or Convocation three weeks before (see *ante*, pp. 282–84, footnote). According to Calderwood, he had been by no means satisfied. "About the end of December," says Calderwood (vi. 629–630), "the Abbot of Halyrudhous, and Mr James Law, Bishop of Orkney, were sent to the King with the proceedings of the Linlithgow Conventioun sett doun in writt. The King was not content that the Bishops were not freed from the Presbytereis and sett over the Provincial Synods [*i.e.*, was not content with the caveats and reserves with which the resolution for constant moderators of Presbyteries had been passed, or with the fact that the Convention had not expressly extended the device of constant moderatorships to Provincial Synods]. The Abbot layed all the blame upon the Bishops, who *de novo* had voluntairlie submitted themselves to the Presbytereis. Mr Law was sharpelie rebooked by the King. There was no other remedie but it behoved the Act to be corrected, altered, augmented, and sent back again to be givin out in forme" [*i.e.*, that the Act of the Linlithgow Convention should be modified and enlarged to his Majesty's wish before being published and enforced]. Nothing so distinct as this appears in the present missive letters, but only (1) that his Majesty proposed an improvement on that mode of dealing with the Roman Catholic noblemen which had been recommended to him by the Linlithgow Convention, and (2) that he anticipated opposition to the Act of the Convention for Constant Moderators of Presbyteries both among the Presbyteries and among the ministers who had been designated for the office. Intimation had doubtless reached him of signs of such opposition already in the Presbytery of Edinburgh (where, however, Mr John Hall, the moderator-designate, had been accepted by a plurality of votes) and in that of Dalkeith. Hence the instruction to the Council to compel Presbyteries or individuals that should be refractory.—Observe that in both letters his Majesty already promotes the Linlithgow Convention to the full dignity of a regular "General Assembly." The Council, while incorporating the letters in their Minutes, are not so bold, referring to the Act for Constant Moderators only as "the Act of Linlithqu." They proceed, however, to adopt the King's language in the Act immediately following.

Acta 1606–7. hes recommendit unto his Majesteis Counsale that they haif a speciall cair and regaird to sie the same ressave dew obedience and executioun,— and the personis following wer nominat and maid chois of for every prisbiterie:—they ar to say Mr James Pitcairne, moderatour for the prisbiterie of Zetland; the Bischop of Orknay, and in his absence Thomas Swyntoun, moderatour for the prisbiterie of Orknay; Mr William Paip, moderatour for the prisbiterie of Suthirland; the Bischop of Caithnes, and in his absence Saull Bruce, moderatour for the prisbiterie of Caithness; Mr Johnne Ros, moderator for the prisbiterie of Tayne; the Bishop of Ros, and in his absence Mr George Monro, moderatour for the prisbiterie of Ardmannach; Mr James Bischop, moderatour for the prisbiterie of Inuernes; Mr James Dundas, moderatour for the prisbiterie of Forres; the Bishop of Murray, [moderatour] for the prisbiterie of Elgin; Mr Robert Howie, and in his absence Mr George Chalmer, moderatour for the prisbiterie of Dunbennane; Mr George Dowglas, moderatour for the prisbiterie of Coolen; Mr George Hay, moderatour for the prisbiterie of Banff; Mr Abrahame Sibbald, moderatour for the prisbiterie [of] Deare; Mr Johnne Reid, moderatour for the prisbiterie of Ellon; Mr Robert Burnet, moderatour for the prisbiterie of Garyoch; Mr Alexander Guthrie, moderatour for the prisbiterie of Aufurde; Mr Johnne Strauchen, moderatour for the prisbiterie of Kincairdin O'Neill; the Bischop of Abirdene, moderatour for the prisbiterie of Abirdene; Mr Andro Ramsay, moderatour for the prisbiterie of Fordoun; Mr Dowgall Campbell, moderatour for the prisbiterie of Brechin; Mr Arthour Fethie, moderatour for the prisbiterie of Abirbrothok; Mr Johnne Ramsay, moderatour for the prisbiterie of Dundie; Mr James Nicolsoun, moderatour for the prisbiterie of Megle; Mr Alexander Lindsay, moderatour for the prisbiterie of Perth; Mr William Glas, moderatour for the prisbiterie of Dunkeld; Mr William Scot, and till his returne Mr Johnne Cauldcleuch, moderatour for the prisbiterie of Couper; the Bischop of Sanctandrois, and in his absence Mr Robert Wilkie, moderatour for the prisbiterie of St Androis; Mr Johnne Michelsoun, moderatour for the prisbiterie of Kirkaldy; Mr Johnne Fairfoull, moderatour for the prisbiterie of Dunfermling; Mr Johnne Davidsoun, moderatour for the prisbiterie of Auchterardour; Mr Patrik Simpsoun, moderatour for the prisbiterie of Striveling; Mr Robert Coinnell, moderatour for the prisbiterie of Linlithgow; Mr Johnne Hall, moderatour for the prisbiterie of Edinburgh; Mr George Ramsay, moderatour for the prisbiterie of Dalkeith; Mr James Carmichaell, moderatour for the prisbiterie of Haddingtoun; Mr Edward Hepburne, moderatour for the prisbiterie of Dumbar; Johnne Clapertoun, moderatour for the prisbiterie of Chirnesyde; Mr David Hume, moderatour for the prisbiterie of Duns; Mr Johnne Knox, moderatour for the prisbiterie of Melros; Mr James Knox, moderatour for the prisbiterie of Kelso; Mr Johnne Abirnethie, moderatour for the prisbiterie of Jedburgh; Mr James Logane, moderatour for the prisbiterie of Peblis; Mr William Birnie, moderatour for the prisbiterie of Lanerk; Mr Robert Darrach, moderatour for the

Charge to Presbyteries to accept their Constant Moderators.

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Charge to Presbyteries to accept their Constant Moderators.

prisbiterie of Hammiltoun; the Bischop of Glasgow, and in his absence Mr Patrik Schairp, moderatour for the prisbiterie of Glasgow; Mr Johnne Hay, moderatour for the prisbiterie of Paisley; Mr Johnne Blaikburne, and quhill he mak residence Mr William Stewairt, moderatour for the prisbiterie of Dunbertane; Mr Johnne Inglis, moderatour for the prisbiterie of Air; Mr Alexander Skrymgeour, moderatour for the prisbiterie of Irwing; Mr Thomas Ramsay, moderatour for the prisbiterie of Drumfreis; the Bischop of Galloway, and in his absence Mr Robert Glendoning, moderatour for the prisbiterie of Kirkcudbricht; and Mr James Adamsoun, moderatour for the prisbiterie of Wigtoun: And, albeit it wes houpit that this godlie and neccessar conclusioun, importing sa heichlie the weill of the Kirk, sould have bene with all thankfulnes ressaved and imbraced be the prisbitereis of this kingdome, nevirtheles, thair is some of thame, for quhat caus the saidis Lordis knawis not, that refuissis, at the leist delayis, to conforme thameselffis to the ordinance and conclusioun foirsaid, the continewance quhairof will altogidder mak the same ineffectuall without remeid be providit: Thairfore the saidis Lordis ordanis letters to be direct chargeing the haill prisbitereis of this kingdome and thair clerkis to conforme thameselffis to the ordinance and conclusioun foirsaid of the said Assemblie, and ressave everie ane of thame thair awne moderatour, and to acknawledge him in all thing dew to the priviledge of that office, without excuise or delay, within xxiiii houris nixt efter the chairge, undir the pane of rebellioun; and siklyke to chairge the moderatouris of the saidis prisbitereis to accept that chairge upoun thame, within the space foirsaid, under the pain of rebellioun."[1] Acta 1606-7.

Edinburgh, 20th January.

Sederunt—Commissioner; Chancellor; Hammiltoun; Angus; Ergyle; Cassillis; Orknay; Linlithqu; Dumbar; Wigtoun; Kinghorne; Abircorne; Lowtheane; Master of Montrois; Master of Lowtheane; Lindsay; Uchiltrie; Elphingstoun; Roxburgh; Lowdoun; Balmerinoch; Scone; Master of Elphingstoun; Bishop of St Androis; Bishop of Glasgow; Bishop of Dunkeld; Constable of Dundie; Murdocairny; Bruntiland; Quhittinghame; Privy Seal; Advocate; Collector; Clerk of Register; Kilsyth; Foistersait; Sir Johnne Arnot; Sir James Hay. Page 159.

Report on the municipal troubles in Dundee. Arrangements of the Commissioners set aside; the magistrates and officers chosen at last Michaelmas to continue in office; and a

Supplication by Johnne Johnstoun of Elphingstoun, Roger M^cNath, George Heriot, burgesses of Edinburgh, Andro Arnot, burgess of Perth,

[1] The enumeration of the Presbyteries and their constant moderators in this Act does not quite correspond with that in Calderwood (vi. 622–624), or that in the Appendix to *the Booke of the Universall Kirk of Scotland* (pp. 573–574 of Peterkin's edition), both professing to be from the minutes of the Linlithgow Convention, and authenticated by the signatures of James Nicolson, its moderator, and Mr Henry Philp, its clerk. The Presbyteries of Argyle and the Isles, which are there included,—the Bishop of Argyle to be moderator of the one, and the Bishop of the Isles, or, in his absence, Mr Robert Stewart, to be moderator of the other,—are here omitted. There are some slight differences besides in the names of some of the Presbyteries and their moderators.

Acta 1606 7. Alexander Rutherfurd, burgess of Abirdene, William Russell in Sanctandrois, Patrick Greve in Bruntiland, Robert Stewart in Linlithgow, and George Bruce in Culrois, Commissioners appointed by his Majesty for removing the "contraversie and ylistis" among the inhabitants of Dundie, and "satling the governament of the said burgh in the handis of indifferent and newtrall men" (*ante*, p. 292), as follows:—Conform to their commission they went to Dundie on 7th instant, and there, "efter dew advisement and deliberatioun for avoiding of all former abuseis, ather in electioun of magistratis and counsale or in the governament of the said burgh, they decernit ane certane ordour and forme of electioun and certane rewlis of governament, according to the Actis of Parliament and formes observit in all weill reformed burrowis, to be keipit within the said burgh, and gaif thair decrite thairanent. And, that all factioun mycht presentlie be removit, to the effect that nane of the inhabitants of the said burgh mycht have ony forder occasioun to complene of the partiall governament of the said burgh be personis that wer of ony factioun, efter long and cairfull tryall of the behaviour and conditionis of the maist pairt of the inhabitantis of the said burgh, according to his Majesteis commissioun, they have nominat and chosin certane of the maist indifferent and newtrall burgessis" of the said burgh to bear office in the same for this present year: viz. Sir James Skrymgeour of Dudhop, provost, Johnne Peirsone, Johnne Traill, Patrik Yeman, and Williame Davidsoun, elder, bailies, David Hunter, dean of guild, Alexander Smyth, treasurer, and James Peirsone, Andro Panter, Archibald Kid, Adam Bennet, Richart Clerk, James Ker, William Newtoun, Gilbert Gairdin, David Foullertoun, Robert Watsoun, William Davidsoun, younger, David Alschunder, Robert Bultie, Alexander Duncane, Johnne Baxter, and William Johnstoun, councillors. The said persons, however, refuse to accept the said offices, so that the decree will be ineffectual and the "toun cassin louse of all governament" unless the said persons be compelled to accept the said office. Accordingly, the Commissioners pray that an Act of Council be passed to that effect.—Charge had been given to Sir James Skrymgeour, provost, James Mudie, bailie, and William Goldman and Johnne Auchinlek, two of the council, and Mr Alexander Wedderburne, clerk of the burgh, to appear this day; and now, both parties appearing, the Lords,—undirstanding, "alswele be his Majesteis wounted gratious dispositioun in protecting and allowing of magistratis lauchfullie electit, as be the reporte of some of his Majesteis Counsale who had laitlie bene with his Majestie, that his Heynes wes nevir of purpoiss by the foirsaid commissioun to depryve ony magistratis and officeairis without a preceding lauchfull tryall of thair offenssis, and quhatevir wes insert in the said commissioun tending to that end wes surreptitiouslie purchest and insert thairin by [*i.e.*, without] his Majesteis knawlege or allowance,"—assoilzie the defenders, and command the magistrates, councillors, and officers lawfully elected at Michaelmas last to continue in their offices during the usual period, discharging the foresaid other election made by the Commissioners. Farther, having a

new Commission, consisting of members of the Privy Council, appointed for further investigation of the condition of the burgh.

"speciall regaird that his Majesteis princelie and gratious dispositioun towardis the setling of the said burgh in peace and quietnes may be yit prosequutit and followit," the Lords give full power to Johnne, Earl of Montrois, Lord Commissioner, Alexander, Earl of Dumfermling, Lord High Chancellor, James, Lord of Balmerinoch, President, David, Lord of Scone, Comptroller, Sir Thomas Hammiltoun of Monkland, Advocate, Mr Johnne Prestoun of Pennycuke, Collector, and Sir Robert Melvill of Murdocairny, or any four of them, to call before them both parties, hear their complaints, and discover the origin of the troubles, in order to settle the burgh in "peace and quietnes, quhairthrow the memorie of thir bigane elistis may be bureyed and a christeane harmonie knit up and keipit." (Compare *ante*, pp. 94–100). Acta 1606-7. Page 161.

Edinburgh, 22nd January.

Sederunt—Chancellor; Ergyle; Kinghorne; Abircorne; Lowtheane; Uchiltrie; Elphingstoun; Master of Lowtheane; Master of Elphingstoun; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Blantyre; Sir Robert Melvill, elder; Sir Robert Melvill, younger; Constable of Dundie; Quhittinghame; Collector; Advocate; Privy Seal; Clerk of Register; Sir George Douglas; Sir Johnne Arnot; Foistersait; Sir James Hay.

Decree against Mr John Clapen and Robert Logan for lying at the horn for debt.

Complaint by James Lundy, brother of Johnne Lundy of that Ilk, that Mr Johnne Clapan of Bellintagart, as principal, and Robert Logane, bailie of Restalrig, as surety for him, remain unrelaxed from hornings of 6th August and 16th December last for not paying him 1000 merks as principal and £100 for expenses.—Complainer appearing by Anthone Quhyte, there is to be warrant to the Captain of the Guard to apprehend defenders and inventory their goods for their non-compearance. Page 162.

Act against exporting English wares to foreign countries.

When the Acts forbidding the importation into Scotland of English cloth or other goods made of wool furth of England were relaxed by the Commissioners of both kingdoms for the Conference and Treaty of Union, it was with the proviso that the said goods should not be exported from this kingdom to any foreign country. As, nevertheless, certain persons quietly export the said English wares in great quantity to foreign countries, there is order to command all traffickers and masters and mariners of ships, by open proclamation at the market crosses of the head burghs and seaports, not to transport the said merchandise to foreign places, under pain of confiscation of the same and of all other goods of the offenders, together with the ships.

Charge to the Lairds of Johnstone and Westraw to enter into ward.

The Lords, by his Majesty's direction, and "for certane caussis notoure to his Heynes," ordain letters to charge Sir James Johnnstoun of Dunskellie and James Johnnstoun of Westraw to enter in ward in the city of Sanctandrois, within 48 hours after being charged, under pain of rebellion. Page 163.

Decree against Henry Borthwick and spouse for debt.

Complaint by Johnne Kirk, writer in Edinburgh, and Ewphame Galbraith, his spouse, that Henry Borthuik, indweller in the Brig of Haillis, and Jeane Pennycuke, his spouse, remain unrelaxed from a horn-

Acta 1606–7. ing of 20th August 1605 for not paying pursuers 100 merks as principal and £20 for expenses.—Kirk appearing, but none of defenders, the Captain of the Guard is directed to apprehend them and to inventory their goods.

Page 164. As, notwithstanding the sentence pronounced by his Majesty against Mr Charles Ferme and Mr Johnne Monro, ministers, ordaining the former to enter in ward in Bute and the latter in Kintyre (see *ante*, p. 261), they have not yet repaired to their said wards, there is order to charge the Captain of the Castle of Downe, where they are at present, to transport them to the sheriff of Striveling, and require that sheriff to convey them to the sheriff of Renfrew, who in his turn is to take them to the Isle of Bute and render them to the sheriff of Bute, requiring that sheriff to transport Monro to Kintyre,—all under pain of rebellion. Charge for transporting Mr Charles Ferme and Mr John Munro, ministers, to their places of ward.

Complaint by William Naper, merchant, burgess of Edinburgh, that Henrie Futhie of Boysaik remains unrelaxed from a horning of 9th October 1593, at the instance of Edmond Arnold, Englishman, for not "furnissing of sufficient probatioun" to Arnold against Johnne M°Kiesoun in Latoun, Johnne Coline in Prosfeild, William Espleine in Leyis, and David Boig in Kynnell, charged with having wrongously taken victual, belonging to the said Arnold, furth of the ship called "Barnabie of Wallis," which had been brought within the water of Monrois by Captain George Prestoun, and for not re-delivering Page 165. the same to Arnold (see vol. iv. pp. 558, 588, and vol. v. pp. 2, 29), conform to a decree obtained by Arnold before the commissary of Brechin, whereunto Naper had been made assignee by Arnold on 11th October 1596.—Complainer appearing, but not defender, there is warrant to the Captain of the Guard to apprehend him and inventory his goods. Decree for William Napier in Edinburgh against Henry Futhie for continuing at the horn at the instance of an English creditor since 1593.

Complaint by Adame and Robert Bennettis, collectors-depute of the impost of wines, that Robert Jak in Dundie, Andro Gray, merchant, James Fyff, "ventair," Gilbert Gaird, Johnne Auchinlek, Henry Auchinlek, Andro Lichtoun, James Mudie, Alexander Annand, David Yeman, elder, Mr William Fergusoun, Henry Johnnstoun, Alexander Haillis, James Brice, Andro Gray, mariner, Alexander M°Kie, Thomas and Alexander Blairis, all residing in the said burgh, and Alexander Skymmer, remain unrelaxed from a horning of 23rd December last for not paying pursuers the following sums due by them for his Majesty's impost on wines brought home by them before 1st November last:—viz., Robert Jak for himself, £47, and as cautioner for Johnne Jak, £21; Gray, merchant, £250, 7s.; Fyff, as cautioner for George Gairdin, David Peirsone, Alexander Gray, and Henry Fyff, £73, 17s. 4d.; Gaird for himself, £76, and as cautioner for James Page 166. Bruce, the sum of ; Johnne Auchinlek, £160; Henrie Auchinlek, £76, 9s.; Lichtoun, £5, 6s.; Mudie, £199, 10s.; James Boyter, £13, 13s.; Gray, mariner, £26; Annand, £108, 13s. 4d.; Yeman, £45, 10s.; Fergusoun, as cautioner for Alexander Skymmer, £14; Johnnstoun, £16, 2s.; M°Kie, £8, 8s.; Thomas Blair, £120, 15s.; and Alexander Blair, £23, 10s. —Charge had been given to Gilbert Gairdin, James Fyff, Johnne Auchinleck, Alexander Haillis, Andro Gray, mariner, and Alexander M°Kie, Decree against Robert Jack and other inhabitants of Dundee for not paying the duties on wines.

burgesses of Dundie, to appear and answer; and now, the pursuers appearing by Archibald Prymrois, there is decree as above against defenders for non-compearance. Acta 1606-7.

Decree for Sutherland of Duffus against Mr George Innes for not fulfilling certain engagements.

Complaint by William Sutherland of Duffus that Mr George Innes, son of the late William Innes in Unthank, remains unrelaxed from a horning of 1st April last: (1) for not warranting to complainer the disposition of ten acres of land in the Nether Cruik Mure, four acres in the Corsleitis, six in Hoilreischeis, and four in New Halffeild; (2) for not infefting him, his heirs male and assignees, in the said lands by his charter and precept of sasine; and (3) for not renouncing the said lands in the complainer's favour, conform to an indenture and security made to complainer of date 26th March 1603, and decree obtained by him before the commissary of Murray of date 3rd October 1605.—Complainer appearing by Alexander Dumbar of Kilboyak, there is decree as above against defender for non-compearance. Page 167.

Decree against Learmonth of Dairsie and others for lying at the horn for debt.

Complaint by George Foullis, goldsmith, burgess of Edinburgh, that William Leirmonth, fiar of Darsie, and Thomas Monypenny of Kinkeld, as principals, and Sir Andro Balfoure of Montquhany, Mr Johnne Clapen of Bellintagart, Robert Logane, bailie of Restalrig, William Fairny, elder of that Ilk, and James Fairny, his son, fiar of that Ilk, as cautioners for them, remain unrelaxed from hornings of 16th, 19th, 20th, and 24th December last, for not paying complainer 6000 merks as principal and £600 for expenses.—Complainer appearing personally, there is decree as above against defenders for non-compearance. Page 168.

Decree against Mr John Clapen and others for debt.

Complaint by Francis Glen, apparent of Inchekerie, and Margaret Balfoure, his spouse, that Mr Johnne Clapen of Bellintagart, William Leirmonth of Dairsie, and Thomas Monypenny of Kinkell remain unrelaxed from hornings of 26th and 27th December last for not paying complainers £1000 as principal and £100 for expenses.—Complainers appearing by Samuell Birs, there is decree as above against defenders for non-compearance. Page 169.

Robert Boyle against William Archibald and others for assault: decree of absolvitor.

Complaint by Robert Boyll in Gilmertoun, as follows:—He and his spouse having, upon 2nd November last, forgathered with William Archibald in Eviotismylne in the town of Gilmertoun and desired him to pay them a debt due by him, the said Archibald, with William Broderstanes in Gilmertoun, Johnne Edislaw there, Henry Edzer there, and Waltir Guthrie in Edmestoun, seized his said spouse by the hair of her head, and "slang hir undir thair feit and strampit hir in gutteris"; then took the complainer himself by his beard "and ruggit furth ane grite paird of the hair thairof"; and, finally, pursued him for his life with batons and long staves, wounded him, and left him for dead.—Both parties appearing, the Lords assoilzie the defenders, because, pursuers having referred the complaint to their oaths, they have sworn that it is not true. Page 170.

Tack of mines to Sir Bewis Bilmure of London.

The Lords ordain Alexander, Earl of Dunfermling, lord high chancellor, to append the great seal to the letter of tack, signed by his Majesty at Whythall 27th December 1606, in favour of Sir Bewis Bilmure of

Acta 1606-7. Lundone, of the whole mines of precious stones in this kingdom, for the space of five years. (See King's letter of date 24th March 1606 among *Royal and Other Letters.*)

Decree against Toshoch of Monivaird for lying at the horn for debt.

Complaint by Mr Johne Menteith, minister at Comrie, that Edward Toscheoch of Monywaird remains unrelaxed from a horning of 20th May last for not paying him £100 as principal and £10 for expenses, with two bolls of oatmeal and a boll of bear of the crop 1600, and with the annualrent of the said victual for the years 1601, 1602 and 1603.—Complainer appearing, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-compearance.

Page 171. Decree against Jardin of Applegirth for lying at the horn for debt.

Complaint by Johne Symontoun of that Ilk that Alexander Jerdane of Apilgirth remains unrelaxed from a horning of 14th June last for not relieving him of payment to Masie Kirko of 20 merks for each of 15 bolls of bear and £9 for each of 6 bolls of oats, together with £10 as liquidate expenses, contained in Jerdane's obligation to her, and other £10 and 40s. as expenses of plea, conform to a decree obtained before the Lords of Session, dated 12th March last.—Complainer appearing, decree as above against Jerdane for non-compearance.

Decree against John Strang, younger of Balcaskie, for debt.

Complaint by Mr William Forbes in Edinburgh that Johnne Strang, younger of Balcaskie, remains unrelaxed from a horning of 23rd July last for not paying him 500 merks as principal, and 100 merks for expenses.—

Page 172. Complainer appearing by Mr Robert Ferquher, decree as above against defender for non-compearance.

Protest in favour of John Stewart and Sir James Stewart.

Johnne Stewart Neilsoun of Fos appears for himself and for Sir James Stewart of Ballioquhen, and gives in a copy of the letters raised by Alexander Robertsoun of Falscalzie, Alexander Robertsoun in Calvein, Alexander Jamesoun in Killidrochane, Donald Angusoun in Tillidonich, William M°Coneill Kynnes in Pittigowne, William M°Innes in Falscalzie, and Duncane Fretair there, charging the said Johnne and Sir James to produce this day the letters of horning whereby they were commanded to buy the legal outfits of arms, in order to the suspension of the horning contained in the said letters. None of the said persons appearing, Neil-

Page 173. soun protests that the letters shall be put to farther execution; and the Lords admit the protest and ordain accordingly.

Decree against John Ogilvy for debt.

Complaint by Mr Andro Clayhillis, minister of the Evangel at Monyfuith, and Cristeane Ogilbie, his spouse, that Johnne Ogilbie of Barnagarrow remains unrelaxed from a horning of 5th December last for not paying them 300 merks as principal and £20 for expenses.—Complainers appearing by Archibald Prymrois, the Captain of the Guard is to apprehend defender and inventory his goods for non-compearance.

James Henderson against Edward Scola, sheriff-depute of Orkney, and others, for assault and attempted murder.

Complaint by Sir Thomas Hammiltoun of Monkland for his Majesty's interest, and by James Hendirsoun, son of Margaret Bonar, relict of William Hendirsoun, treasurer of Orknay, and by George Alexander, his servant, as follows:—The said James, having been committed to ward in the castle of Kirkwall by Edward Scola, sheriff-depute of Orknay, at the

Page 174. command of Patrik, Earl of Orknay, without any just cause, had obtained

from the Secret Council a charge against the said Earl and his depute, ordering them to put him to liberty furth of the said Castle, where he had "remanit ane lang space." The Earl, thus unable to detain him longer, had sent letters to his said depute commanding him to set upon the said James, as soon as he was released, with a company of the Earl's soldiers, and bereave him of his life. The said James, however, having learnt this and advertised his friends, they had "convoyit him saulf away." Scola, thus disappointed, had then, on 20th March last, sent James and Duncane Scolais, his sons, with Duncane Thomesoun, Hew Murray, George Levingstoun, and Johnne Waltir, their servants, all armed with secrets, swords, gauntlets, and with a number of hagbuts, to the Isle of Sanda, where said complainer and his said servant were visiting complainer's brother; and there the said persons, being advertised that the complainers "wer within the kirk at thair prayeris solitarie and alone," came to the said kirk, and, finding complainers "walking besyde the kirk without ony kynd of airmour saulfing thair swordis," unmercifully assaulted them, broke their swords in "sindrie peices," and wounded them in their heads.—Charge had been given to the said Scolais and their servants to answer; and now, pursuers appearing, but none of the defenders, the Lords find that Levingstoun, Murray, Thomesoun and Waltir have not been lawfully cited; hold James and Duncane Scolais as having confessed their guilt by their non-appearance, and therefore ordain them to enter in ward in Edinburgh Castle within 40 days after being charged; and continue the action against Edward Scola till the first Thursday of May next, with intimation that, if he compear not then to give his oath of verity, he also will be held as having confessed.

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Edinburgh, 27th January. Charge to Home of Eccles and a number of others to appear, in order to the removal of the feud standing among them.

The Act of Parliament for the removal of deadly feud not having yet taken effect in the quarrel between Mr James Home of Ecclis, Mr William Home of Graden, and Alexander Home, servitor to the said Mr James, on the one part, and Andro Edmestoun of that Ilk, Sir Johnne Ker of Hirsale, Andro Haitlie, uncle of James Haitlie of Mellirstanes, Andro Haitlie of Sneip, Haitleis, his sons, Henry Haitlie, brother of the said Andro, Mark Haitlie in Fawnis, Alexander Haitlie of Lambden, Haitlie, his brother, Alexander Haitlie of Hardlaw, Alexander Haitlie in Haliburtoun, Andro, Leonaird, James and Johnne Haitleis, his brothers, Robert Haitlie of Plewland, Archibald and Alexander Haitleis, his brothers, David Lumisdane of Blanarne, Robert Lumisdane of Airdrie, Johnne Mow of that Ilk, and , mother of James Haitlie of Mellirstanes, on the other part, there is order to both parties to appear on 17th February next, prepared to submit their differences to arbitration, conform to the said Act.

Edinburgh, 29th January.

Sederunt—Commissioner; Chancellor; Orknay; Lowtheane; Kinghorne; Scone; Blantyre; Master of Lowtheane; Bishop of Glasgow; Bishop of Ros; Privy Seal; Advocate; Collector; Clerk of

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Acta 1606 7.

Register; Murdocairny; Bruntiland; Sir James Hay; Foistersait; Sir Johnne Arnot; Sir George Douglas.

Decree against Lauder of Halhouse and Mr John Edmiston for debt.

Complaint by Margaret Polwart, relict of Johnne Stewart in Edinburgh, that James Lawder of Halhous and Mr Johne Edmestoun in Edinburgh remain unrelaxed from a horning of 10th January for not paying her 500 merks as principal and £50 for expenses.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend defenders and to inventory their goods for their non-compearance.

Decree against Ross of Ballivat for debt.

Complaint by Robert Dunbar of Burgie against Johnne Ros of Ballivat for remaining unrelaxed from a horning of 19th January last for not paying

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him 40s. for each of twelve wedders yearly since the date of his obligation, 18th July 1598.—Complainer appearing by Alexander Dumbar of Inchebrok, there is decree as above against defender for non-compearance.

Decree against James Lauder and Mr John Edmiston for debt.

Complaint by Robert Alschunder, writer in Edinburgh, that James Lawder of Hallis and Mr Johnne Edmestoun in Edinburgh remain unrelaxed from a horning of 17th December last for not paying him 300

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merks as principal and £40 for expenses.—Complainer appearing personally, there is decree as above against defenders for non-compearance.

Suspension of horning obtained against Govan of Cardrono and others by John Scott and his son

Complaint by Johnne Govane of Cardrono, James and William Govanes, his brothers, Patrik Govane, son of James Govane, burgess of Peblis, Patrik Govane, son of Alexander Govane, burgess there, Alexander Govane in Edinburgh, and Johnne Crawfurd in Loganhous, as follows :— They have been lately charged, under pain of rebellion, by Johnne Scot, brother of Walter Scott of Tuschelaw, and William Scot, his son, to find caution for their indemnity, the Laird of Cardrono in £1000, and each of the other complainers in 500 merks. Now, the said Johnne Scot is denounced rebel for not answering before the Justice in the tolbooth of Edinburgh for the cruel murder of Johne Govane of Cardrono, father of the said Johne, now of Cardrono, as the letters of horning, dated 29th September 1601 and registered on 3rd October thereafter, show; and, as he is still unrelaxed, he has lost the "libertie and benefite of a frie subject." Further, the said William Scot, his son, is a minor and cannot make faith that he dreads the complainers. Still further, the said pains are far above

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those prescribed by the Act of Parliament, the Laird of Cardrono being a "gentilman of a verie meau rank and calling," and none of his colleagues worth in all 100 merks. As the complainers have, nevertheless, found caution as required, the said horning should be suspended.—The Laird of Cardrono appearing for himself and the other complainers, but the defenders not appearing, the Lords do suspend the horning.

Decree against David Wollum and his son, for not finding lawburrows to Sir John Lindsay.

Complaint by Sir Johnne Lindsay of Wodwray that David Volum of Polgarrak, and Alexander Volum, his son, fiar thereof, remain unrelaxed from a horning of 28th June 1604 for not finding lawburrows to com-

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plainer.—Complainer appearing by James Stewairt, there is to be warrant to the Captain of the Guard to apprehend defenders and inventory their goods for their non-appearance.

Decree against Thomas Brown for debt.

Complaint by Alexander [Ruthven], brother of the late William, [first] Earl of Gowrie, that Thomas Broun, portioner of Clene, remains unrelaxed from a horning of 13th April 1605 for not paying complainer 200 merks. —Complainer appearing, decree as above against defender for non-compearance. Acta 1606-7. Page 181.

Decree against Sempill of Brigend for debt.

Complaint by William Speir, writer to the signet, that Johnne Semple of Brigend remains unrelaxed from a horning of 10th April last for not paying him £258 as principal and £40 of liquidate expenses, conform to his band.—Complainer appearing, decree as above against defender.

Submission by Sir John Home of North Berwick, and Mr John Adamson, minister there, of a difference between them: arbiters chosen.

Sir Johnne Home of Northberuik, and Mr Johnne Adamsoun, minister at Northberuik, appear and submit themselves to the friendly deliverance of the following persons, chosen by them as arbiters "anent the injurie and offence alledgeit committit be the said Sir Johnne aganis the said Mr Johnne Adamsoun, by the uttering of injurious and dispytfull speitcheis aganis him, being his ordinair pastour, and stryking of him with his fauldit neve upoun the face, and anent the satisfactioun quhilk salbe maid be the said Sir Johnne for his said offence." The arbiters chosen are Mr Alexander Home, and Richard Cas, writer, for the part of Sir Johnne, and Mr Patrik Galloway and Mr Johnne Hall, ministers, for Adamsoun,—Johnne, Archbishop of Glasgow, to be oversman. Page 182

Lord Sempill's submission.

James, Earl of Abircorne, reports a "submissioun" subscribed by Lord Semple, with the names of the Lairds of Cauldwell and Langschaw as chosen arbiters for him.

Declaration by the Lairds of Cluny and Lethendy.

Sir Robert Creichtoun of Cluny and Hering of Lethindie appear and declare by their great oath that they were not "interdyted," and that "thair sones nor na utheris wer infeft in fie of thair landis."

Edinburgh, 31st January. Act for defraying the charges of Thomas Fisher and William Speir, directed as Commissioners for the Burghs to his Majesty.

Thomas Fischer and William Speir, merchants, burgesses of Edinburgh, having been before "imployit as Commissionairis frome the Burrowis of this realme towardis England, anent the Treatie of the Unioun of boith the saidis kingdomes, for the weill of the Burrowis," and his Highness desiring to be better informed with regard to the article of the Treaty dealing with the "trafficque of mercheandice presentlie to be handlit and treatit upoun be his Majestie," the Lords find it expedient that the expenses of the said commissioners should be defrayed by the common tax of the whole burghs. They therefore ordain the bailies of Edinburgh to direct the said commissioners to England and to furnish them with their expenses, within three days after the charge, under pain of rebellion, said bailies to have their relief against the other Burghs.—Mr Alexander Hay, secretary depute, is requested to furnish to the commissioners "sic informatioun" as is necessary anent the said article.

Edinburgh, 3rd February.

Sederunt—Commissioner; Chancellor; Cassillis; Lowtheane; Uchiltrie; Spynie; Balmerinoch; Bishop of Ros; Bishop of Dunkeld; Master of Lowtheane; Master of Elphingstoun; Blantyre; Murdo-

Acta 1606–7.

cairny; Bruntiland; Privy Seal; Advocate; Collector; Sir Johne Arnote.

[No record of proceedings.]

Sederunt—Commissioner; Chancellor; Uchiltrie; Balmerinoch; Blantyre; Bishop of Ros; Bishop of Dunkeld; Master of Elphingstoun; Murdocairny; Bruntiland; Justice Clerk; Privy Seal; Quhittinghame; Advocate; Collector; Clerk of Register; Sir George Douglas; Foistersait; Sir Johnne Arnote. Edinburgh, 5th February.

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Decree against James Turnbull and others for debt.

Complaint by Gilbert Ellot of Horslydhill that James Turneble in Badreull, Henry Turneble there, Thomas Quhyte there, and William Wychtman *alias* Miller there, remain unrelaxed from a horning of 21st October last for not paying him 200 merks as principal and £30 for expenses.—Complainer appearing by Lowrence Scot, there is to be warrant to the Captain of the Guard to apprehend defenders and inventory their goods for their non-compearance.

Order for the production of the tax rolls of all benefices and temporal lordships, so that the beneficed persons may have relief only *pro rata* of the taxation of the same from their vassals, feuars, and tacksmen.

"Forsamekle as divers of oure Soverane Lordis guid subjectis, being vassaillis, fewairis, takkismen, and pensionairis of prelaceis and uther inferioure beneficeis within this kingdome, have be thair supplicationis meanit thameselffis to the Lordis Commissionairis appointit for granting and discussing of suspensionis in the lait taxatioun grantit to his Majestie in the moneth of Julii j^{m} vj^{c} and sex yeiris [1606, c. 18, 19, iv. pp. 289, 291],
Page 184.
allegeing that they ar havelie opprest be the prelattis and beneficit personis, and utheris quho be his Heynes gift hes laitlie obtenit prelaceis and utheris inferioure beneficeis erectit in temporall lordschipis, [and who,] haveing reasit letters to chairge for thair releif of the first termes payment of the same taxatioun, hes laid ane grittair burding upoun thair saidis vassaillis, fewairis, takkismen, and pensionairis nor be law, equitie, or reasoun they wilbe obleist to undirly,—respect being had to the frie rent that every man ressavis of the saidis prelaceis and uther inferioure beneficeis,—quhairby some of the saidis prelattis and beneficit persons not onlie makis thameselffis frie of payment of ony pairt of the samen taxatioun, bot, as is allegeit, upliftis of thair saidis vassaillis, fewairis, takkismen, and pensionairis fer grittair sowmes then thair saidis beneficeis ar stentit unto in his Majesteis taxt roll: quhilk corruptioun is croppin in throw over grite libertie grantit unto thame to set doun thair taxt rollis at thair awne pleasour, without controlment. For remeid quhairof the Lordis of Secrite Counsale hes found meit, decernit and declairit, that every prelat and beneficit persone or utheris personis quhatsumevir, that hes obtenit prelaceis and inferioure beneficeis erectit in temporall lordschipis within this realme, sall betuix the dait heirof and the first day of Aprile nixt to cum present and deliver to Archibald Prymrois, clerk to the saidis commissionairis and keipair of his Heynes taxt rollis, the autentik taxt roll of thair prelaceis and uther inferioure beneficeis quhairby they crave releiff

upoun thair saidis vassaillis, fewairis, takkismen, and pensionairis, autentic- Acta 1606-7.
lie subscryvit with thair handis and with the handis of thair saidis vassaillis, fewairis, takkismen, and pensionairis, according to the Act of Parliament maid be his Heynes thairanent [1606, c. 18, iv. p. 290]. Quhilk taxt roll sall contene every particulair personis name that ar obleist to releif the said prelat and beneficit personis, with the sowmes that every ane of thame aucht to pay for thair releiff, and for quhat landis, teyndis, or pensioun the same sould be payit, to the effect the same rollis may be sene be the saidis Lordis Commissionairis and tryall tane be thame gif the samyn be set doun justlie and trewlie as they aucht to be, and that ane register may be keipit thairof with the rest of his Heynes taxt rollis. Certifeing the saidis prelatis and beneficit personis and utheris, quho have obtenit prelaceis and uther inferioure beneficeis erectit in temporall lordschippis, that in cais they failyie in not delivering of thair saidis taxt rollis to the said Archibald Prymrois betuix and the day abone specifeit, that the not delivering thairof salbe ane sufficient caus of suspensioun to thair saidis vassaillis, fewairis, takismen, and pensionairis, to freith thame fra payment of ony sowmes of money for the saidis beneficit personis relief of the same taxation. And, to the effect the same taxt rollis may be deliverit and that be privat dealing betuix the saidis prelattis and beneficit personis and thair saidis vassaillis, fewairis, takkismen, and pensionairis, the same be nawyse abstractit, ordanis letters to be direct chargeing all and sindrie prelattis and uther inferiour beneficit personis, and all personis that hes obtenit prelaceis and uther inferiour beneficeis erectit in temporall lordschippis within this kingdome, to deliver to the said Archibald Prymrois the just taxt roll of thair saidis prelaceis and uther inferioure beneficeis, autenticklie maid and subscryvit in maner abonewrittin, within fyftene dayis nixt efter the chairge, under the pane of rebellioun and putting of thame to the horne."

Charge to Mr John Cunningham, minister of Dalry, and Mr David Henderson, minister of Kilmaurs, to answer for refusing to accept the "Constant Moderator" appointed for the Presbytery of Irving.

Letters having been directed to Hew, Earl of Eglintoun, "to deill and Page 185.
travill" with the ministers of the presbytery of Irwing "to ressave Mr Alexander Skrymgeour, minister at Irwing, for their moderatour" (*ante*, p. 302), and the said brethren, convened on 29th January last agreeably to the Council's instructions, having all, except Mr Johne Cunynghame, minister at Dalry, and Mr David Hendirsoun, minister at Kilmaweris, received the said moderator, and "enterit him to the exerciseing of the said office," but those two having "continewit constant in thair obstinat and wilfull refusaill," both are to be charged to appear on , to underlie trial and punishment.[1]

Suspension of horning against Robert Cunningham.

Complaint by Robert Cunynghame, brother of the Tutor of Bonytoun, as follows:—He has been put to the horn at the instance of Sir Thomas Hammiltoun of Monkland, his Majesty's Advocate, for not answering to a charge of bearing hagbuts and pistolets. As he was not lawfully cited,

[1] This is the first prosecution recorded in the Council's Books for resistance to the ordinance for Constant Moderators of Presbyteries (*ante*, p. 283, footnote); but the agitation on the subject now pervaded the whole country.

Acta 1606–7. and did not hear of the charge till long after his denunciation, and as he had found caution in 500 merks to answer this day, the said horning should
Page 186. be suspended.—Complainer appearing, but not defender, the Lords do suspend the horning.

Complaint by Mr David Wardlaw that Sir James Scot of Balwerie, and William Scott, his son, fiar thereof, as principals, and Johnne Gibboun at Balwerie-mill, cautioner for them, remain unrelaxed from hornings of 22nd February and 28th October last for not paying him 3000 merks as principal and 500 merks of expenses, conform to their band.—Complainer appearing, but none of the defenders, there is warrant to the Captain of Gaurd to apprehend them and inventory their goods. Decree against Scott of Balweary and others for debt

Page 187. Complaint by Johne Wardlaw, ordinary writer to the signet, that William Leirmonth, fiar of Dairsie, as principal, and Sir Andro Balfoure of Montquhany, Thomas Monypenny of Kinkell, and Thomas Leirmonth, burgess of Sanctandrois, as cautioners for him, remain unrelaxed from hornings of 30th December, 2nd, 6th, and 7th January last, for not paying him, or Robert Wardlaw, his son, 2000 merks as principal and £200 for expenses.—Complainer appearing by Mr David Wardlaw, his brother, decree as above against defenders for non-compearance. Decree against Learmonth, younger of Dairsie, and others for debt

Complaint by Johne Lindsay, brother of Sir David Lindsay of the Month, that Patrik, Lord Gray, remains unrelaxed from a horning of 12th December last for not paying him certain sums as the violent profits of certain lands, conform to a decree of translation obtained before the
Page 188. Council and Session on 6th July 1605.—Complainer appearing by Mr Andro Aytoun, decree as above against defender for non-compearance. Decree against Lord Gray for debt.

Complaint by Sir James Johnnstoun of Dunskellie that Dame Marie, Countess of Athoill, remains unrelaxed from a horning of 15th May last for not relieving him, as surety for her, of payment to Robert Erskin, his Majesty's servitor, and Helene Hammiltoun, his spouse, of 510 merks as principal with 100 merks for expenses.—Complainer appearing by Mr Johnne Johnnstoun, decree as above against defender. Decree against the Countess of Atholl for not relieving her cautioner.

Page 189. All Presbyteries being ordained by Act of Parliament to charge persons "suspect of papistrie" within their bounds to appear before them and "satisfie the Kirk," and ordained, in case of their disobedience, to signify their names to the Privy Council, (1594, c. 4, iv. p. 63), and the ministers of the Presbytery of Elgin having so named Johnne Leslie of Concrage and Johnne Leslie of Carrone as persons who after many admonitions "ar excommunicat for papistrie" and yet act as if no such censures had been passed against them, there is order to charge the said persons, under pain of rebellion and of escheat of their moveables and liferents, to produce testimonials from their Presbytery of having been relaxed from the sentence of excommunication. Charge to John and John Leslie to answer for "papistrie."

Complaint by George Bruce of Carnok, as follows:—"It is not unknawin to the Lordis of Secrite Counsale quhat grite chairgeis and expenssis he hes advancit and bestowit thir mony yeiris bigane upoun the seiking and wyning of coilheuchis, and upoun divers ingynis, workis, and Bruce of Carnock against John Gaw and John Dick for obstructing a

water-gang or mill lead used in working the pursuer's coal-heughs.

inventionis for uphalding and mantening of the same,—quhairby he hes not only procurit the grite guid will, lykeing, and contentment of mony people of this his Majesteis cuntrey for the grite proffeit and commoditie quhilk, be thir workis and be the lyke to be imitate and followit out be utheris, may redound to the commounwele, bot lykewyse thair is ane infinite nomber of puir creaturis quhois onlie moyane and mantenance dependis upoun the saidis workis, and without the quhilkis they have no meanis to sustene and interteny thameselffis." Now, "thair wes nevir ony persone of ony rank or conditioun that careyed ony sinister consait or opinioun of the said complenar or invyed the progres of his saidis workis, bot with thair haill hairtis allowed and approved his doingis," till Johnne Gaw of Maw, "maliciouslie invying his fortonis and the guid course and progres of his warkis," did him the following injuries:—(1) Upon 6th, 7th, 8th, and 9th of January last the said Johnne Gaw came with his servants to the "wattir passage that discendis fra the said complenairis wattir dammis in the commoun mure of Culrois to the wattir mylne of his coilheuch within the sey merk," and "set the wattir of the said dame by the accustumat course and ganging quhilk it hes evir had in all tyme bigane past memorie of man," on purpose to draw the water altogether from the complainer's heugh. Finding this somewhat difficult, Gaw resolved to destroy the dam, and thereby compel complainer to "interteny horse and men for that service of his heuch quhilk before wes done be wattir." (2) With this object, Gaw, and Johnne Dick of Coquhallie (in Easter Gartmoir), with eight others, armed with lances, came to the dam on Sunday, 25th January last, while all the parishioners were at the kirk, and "closit in the wattir at the clouse of the said complenairis dam, of purpois to hald in the wattir unto the tyme appointit be him for dimolischeing and breking doun of the dame, that the wattir mycht have the grittair course and waygang. And, upoun the same day under nycht, he come agane to the said dam to sie gif all held rycht, and of new closed and dammid in the wattir at the said clouse." (3) Next day, very early in the morning, he and his said accomplices came to the dam and broke it down, whereby the whole water, which would have served the complainer till Whitsunday next, "is run away."—The complainer might "repair this contempt and injurie done to him, and mak the said Johnne to acknawledge his errour and oursicht, litle to his contentment"; but, for the reverence he has to the King and Council, he will "forbeir all violent revenge" and seek remedy at law.—Both parties appearing, the Lords find the first point of this libel proved against Gaw, and the last against both Gaw and Dick, and therefore ordain them to be committed to ward in the Castle of Edinburgh; but they assoilzie them from the second, because, that having been referred to their oath, they have declared that it is not true.

Acta 1606–7. Page 190

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Minnon Hog against Thomas Fraser and others for violence and purpose of murder.

Complaint by Menon Hog of Blarydryne, as follows:—On 12th August last, Thomas Fraser in Pitcowtneis, James Fraser in Balladrum, and George Fraser in Corskie, with twelve other persons, all armed with jacks steelbonnets, secrets, swords, gauntlets, and other weapons, came at night

Acta 1606-7. Page 192.

to complainer's dwelling house, "branglit" the doors, meaning to enter and kill him, but, perceiving that they could not have access, resolved to stay all that night about the said house. George M^cKay, his servant, coming out of the house very early in the morning, they "verie feirslie" set upon him; but, finding that he was not the complainer, they only took him prisoner,—carrying him away, and detaining him still in "some secrite and unknawin place." Then they came to the house of Elspeth Deray, complainer's tenant, broke up her doors, and "stoggit beddis" in search of , her sèrvant, for his slaughter; but "be providence of God he wes depairtit."—Pursuer appearing personally, and having passed from the charge against Thomas Fraser and declared that he would use him as witness, and George Fraser being also present, but James Fraser failing to appear, the Lords assoilzie George, because the pursuer has failed in his probation.

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Sederunt—Commissioner; Chancellor; Cassillis; Balmerinoch; Uchiltrie; Blantyre; Bishop of Ros; Bishop of Dunkeld; Murdocairny; Bruntiland; Master of Elphingstoun; Constable of Dundie; Quhittinghame; Advocate; Clerk of Register; Foistersait. Edinburgh, 10th February.

Charge for the payment of the last taxation voted to his Majesty.

The first term's payment of the taxation granted to his Majesty in the Parliament held at Perth in July last having been appointed to be made to James Hay of Kingask, collector of the taxation, on 1st instant (1606, c. 18, iv. 289), and the said day being now past, there is order to charge all and sundry indebted in payment of any part of the said term to pay to the said Collector, within 15 days after the charge, under pain of rebellion.

Menzies of Enoch against Douglas of Drumlanrig and others for disinterring his son's body from the family aisle in the kirk of Durrisdeer.

Complaint by Adame Menzeis of Enoche, as follows:—"The said Adame hes the landis and barony of Enoch, togidder with ane distinct ile at his paroche kirk of Durisdeir, callit 'the Meinzeis Ile,' outhwith the body of the kirk or queir, foundit and uphaldin thir ten aigeis bigane upoun the said Adam and his predicessouris onlie chairgeis, quhais names, airmes, and ditoun ar, for ane gritter testimonie of thair titlis, ingraved upoun ane litle dure and foure uther severall pairtis of the said ile, and on nawyse repairit be the common taxt of the said paroche, bot is ane ile *per se* for heiring of the Word and serving of God, solemplie dedicat to that service, and to the bureying of the deid bodyis thairin of the house of Enoch in all aigeis bigane, and within this yeir and ane half and to this present tyme undisturbit or quarrellit, as the said Adam and his predicessouris autentick rychtis and documentis of the saidis landis and ile, haldin immediatelie of his Majestie, will verifie. Lyke as the said Adam, conforme to his undoubtit rycht and continuall possessioun of his saidis antecessouris, haveing upon the day of December last bypast bureit within the said ile William Menzeis, his sone, in ane christeane and honnest maner, as the custome is, in presence of ane grite nomber of the parochynnairis and utheris weill affected gentilmen

dwelling thairabout, luiking assuiredlie that na unquitnes sould have bene offerred to the bureit corps: nochtwithstanding, it is of treuth that Sir James Douglas of Drumlangrig, knycht, be the intysement of Mr Robert Hendirsoun, minister at the said kirk of Durisdeir, quhais counsale and advise wes of before that the said complenair sould repair the samyn ile for himselff and his familie and for thair buryallis,—yet of new pretending him to have some allegeit warrand of the prisbiterie of Drumfreis, quhairof the said complenair gat nevir knawlege, nather wes he evir onywyse citit, or wes thair ony sic unlauchfull warrand grantit unto him for his contumacie,—upoun the penult day of Januair last bypast send ane number of personis, servandis to the said Sir James, and, haveing enterit within the said ile, they barbarouslie and inhumanelie, to the grite offence and dishonnour of God, and expres aganis all cristeane dewtie observit in all weill reformit cuntreyis, and evill example to everie particulair persone, with mattockis and spaidis disclosit the grave and violentlie tuke up the deid corpis efter the same had lyne in the earth be the space of fourty dayis or thairby, exponit the same to the kirkyaird, and maid in haist the fassioun of ane grave of the deipnes of ane fute, quhilk mycht not defend the corpis fra the injurie of the revenous foullis of the air. Quhilk uncouth and rair deid comeing to the knawlege of the said complenair, his father, and to the mother of the said bairn, quha being lyand delyverit of ane chyld some few dayis of befoir, and pairtlie being grevit in hairt at sic inordinat and vyld proceidings, and pairtlie being movit with reuth, pitie, and naturall dewtie towardis thair awne bowellis, the said complenair, with some few company, tuke the bairn and bureyit him in the grave quhair he lay of befoir, houping that na forder violence sould have bene commitit. Yit it is of treuth that the said Sir James Dowglas, [and] William Dowglas, his sone and appeirand air, be the seditious subjectioun of the said Mr Robert Hendirsoun himselff, upoun the first day of Februar instant, being Sonday, come to the said paroche kirk of Durisdeir with convocatioun of his Majesteis leigeis upoun horse and fute, and first, without ony lauchfull warrand and authoritie bot be plane usurpatioun upoun thame of that quhilk no law could innure him to, they send messingeirs to the said complenair desyring [him] to subscryve ane band upon certane hard conditionis and sowmes of money or ellis to tak up the bairne agane himselff, or then they wald bereve the said complenair of his lyff. Quhilk band he haveing refuisit be certane fair meanis the day foirsaid, yit the said Mr Robert Hendirsoun, following furth his aune privat and inordinat humour, and to interteny seditioun betuix the said complenair and the said Sir James, upoun the secund day of the said moneth of Februair instant come agane and presentit to the said complenair ane band quhilk he ressavit, quha instantlie desyrit the said complenair to subscryve the samyn: quhilk he lykewyse, in respect of the hard conditionis, unlauchfull place and tyme, refuisit. He without farther grippit the said complenairis body, pat violent handis upoun him, and, fer by the dewtie of ane of his calling and expres contrair to his Majesteis

Acta 1606-7.

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Acta 1606–7. lovable actis and proclamationis, avowedlie in presence of divers personis provokit the said complenair to the single combat. Quhom he, for the regaird to God and reverence to his Majesteis lawis, forbeiring, and craving his Heynes peace, he, altogidder impatient and devoid of ressoun, withdrew himselff a litle and cryit with a loude voice 'Lairdis of Drumlangrig, cum to me with all speid,'—quha wer not distant be the space of a bowschote; and, the said Sir James not attending the said Mr Robertis exclamationis, the said Mr Robert gaid directllie to the said Sir James and informit him as he
Page 195. thocht guid. Lyke as they all immediatlie thairefter, accumpanyit as said is, come to the said complenairis said proper ile and bureall places, and thair, they being all present, of new agane discoverit the grave, tuke out the corpis, and hes careyit and layd the samyn in sum uncertane place quhair he knawis not." Thus they have not only committed on the complainer and the "innocent deid corpis" an "uncouth and barbarous attempt of sa rair example," but "have dishonourit God and contempnit his Heynes authoritie, and gevin ane dangerous and prejudiciall example to all personis in particulair to perpetrat the lyke heirefter, gif this be sufferit to pas over unpunist."—Both parties appearing, the Lords find that the defenders have committed "ane verie grite offence," and that the minister should have called the pursuer before the judge ordinary if he had violated any Act of the Kirk, "and sould not haif punischit the corps of the deid for the offens of the father." They also grant liberty to the pursuer to raise the body of his son again if he please, and lay it in its first burial place within the aisle.

Edinburgh, 12th February.

Sederunt—Commissioner; Chancellor; Cassillis; Lindsay; Uchiltrie; Cathcairt; Balmerinoch; Roxburgh; Blantyre; Bishop of Glasgow; Bishop of Ros; Bishop of Dunkeld; Constable of Dundie; Quhittinghame; Bruntiland; Murdocairny; Master of Lowtheane; Master of Elphingstoun; Advocate; Privy Seal; M^{c}Kanzie; Foistersait; Sir Johnne Arnot; Clerk of Register.

King's Advocate against the Earl of Angus for having resetted an excommunicated Papist: Decree of absolvitor.

Page 196. Action by Sir Thomas Hammiltoun of Monkland, King's Advocate, for his Majesty's interest, against William, Earl of Angus, as principal, and Patrik Home of Aytoun, Alexander Strauchane of Thornetoun, Sir Johnne Carmichaell of that Ilk, Mr Robert Dowglas, provost of Lyncluden, Patrik Douglas of Kilspindie, Archibald Douglas of Quhittinghame, Archibald Douglas of Bonnetle, George Douglas of Langnudrie, Mr Johnne Dowglas of Corbett, James Douglas of Clappertoun, William Douglas of Yvelie, Mr Gawin Dowglas of Aquhytie, David Lumisdane of Blanarne, Johnne Symontoun of that Ilk, George Auchinlek of Cumlege, Williame Bannatyne of Corhous, Patrik Home of Bromehous, William Cunynghame, tutor of Bonytoun, James Twedy, now of Dreva, and Waltir Carmichaell of Hyndfurd, as sureties for him:—On 1st August 1597, the said sureties had become bound that the said Earl should not reset or intercommune with any Jesuit or excommunicated papist, under the pain of £20,000 (*see* vol. v. p. 745). Yet, since the pronouncing of the sentence of

excommunication in 1606 against Johne M^cGie, sometime commissary clerk of Drumfries, and in every month of that year, the said Earl had resetted him, and treated him with great "kyndnes, familiaritie, and freindschip," as if no such sentence had been pronounced against him. Hence the said persons have incurred the said pain.—Charge had been given to the Earl, and to Symontoun of that Ilk, Bannatyne of Corhous, Carmichaell of Hyndfurd, and the Tutor of Bonytoun, to answer; and now, the pursuer appearing, and also the Earl, the Lords assoilzie the Earl and his said cautioners, because he has given his oath of verity that he did not know that M^cGie had been excommunicated or was a trafficking papist. Acta 1606-7. Page 197.

Decree against the Laird of Rossie and his sons for debt.

Complaint by Stevin Philp, citizen in Sanctandrois, that David Rossy of that Ilk, and Andro and Thomas, his sons, remain unrelaxed from a horning of 12th May last for not delivering to complainer, as assignee to Robert Lichtoun, fiar of Ulischevin, the victual specified in an obligation of date 3rd November 1605, made by them to the said Robert, together with 500 merks for expenses.—Complainer appearing, but not the defenders, there is warrant to the Captain of the Guard to apprehend them and to inventory their goods for his Majesty's use. Page 198.

Decree against Sibbald of Letham for debt.

Complaint by Andro Arnot of Caskelpie that David Sibbald of Lethame remains unrelaxed from a horning of 27th January last for not paying him £100.—Complainer appearing by Alexander Douglas, macer, there is decree as above against defender for non-compearance.

Decree against Arthur Straton and John Ogilvy for debt to the Earl of Moray.

Complaint by James, Earl of Murray, that Arthour Stratoun of Snawtoun and Johne Ogilbie in Jakstoun remain unrelaxed from a horning of 17th July last for not paying him the following teind victual for the year 1604 of the lands occupied by them in the parish of Eglisgrig, Stratoun, three firlots of wheat, three bolls of bear, nine bolls and one firlot of meal, and three bolls of bear, and Ogilbie, a boll and one firlot of wheat, four bolls two firlots and two pecks of bear, and five bolls one firlot of meal.—Complainer appearing by Alexander Done, there is decree as above against defenders for non-compearance. Page 199.

Decree against David Strang and his spouse for breach of contract.

Complaint by Patrik Huntair, portioner of Newtoun, that David Strang, burgess of Pittinweyme, and Katherine Crystie, his spouse, remain unrelaxed from a horning of 12th December last for not infefting and seising him in a back tenement of land pertaining to them, lying in the town of Pittinweyme, with the "yaird, clois, and throwgang for serveing to be ane passage to the said bak land," conform to a contract of date 20th October 1605.—Complainer appearing, but not the defenders, there is decree as above against them. Page 200.

Decree against James Brown for not relieving his cautioner.

Complaint by George Broun of Colstoun that James Broun, elder, merchant in Edinburgh, remains unrelaxed from a horning of 6th February 1606 for not relieving complainer, as cautioner for him, of payment to Andro Ker of Fentoun of 2000 merks as principal and 300 merks for expenses.—Complainer appearing by Archibald Broun, there is decree as above against defender for non-compearance.

The West Brig of Kirkaldy "being be storme of wedder and inunda- Page 201.

Acta 1606-7. tioun of watter altogidder decayit," Robert Murray at the said Bridge had undertaken to the Council to repair it. Though, at great expense, besides loss of time, he has "perfytit" the work, he has not yet received half of his outlay; and therefore he humbly prays for an Act in his favour.—The Lords authorise him to uplift for a year a duty of 2d. for every footman "comeand endlangis the said brig," 4d. for every horseman, and 2d. for each head of nolt. Impost of dues for repairing the west bridge of Kirkcaldy.

Complaint by Johnne Murray, servitor to Johnne, Earl of Mar, that Robert Lumisdane of Airdrie remains unrelaxed from a horning of 17th December last for not paying him 1000 merks as principal and £100 for expenses.—Complainer appearing by Anthone Quhyte, there is warrant to the Captain of the Guard to apprehend the defender and inventory his goods for his non-appearance. Decree against Lumsden of Airdrie for debt.

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Complaint by Hary Grahame in Meadowland of Cornetoun that George Bryce, younger in Airth, as principal, and Alexander Mauchane in Corspatrik, and Thomas Young, portioner of Cornetoun, as sureties for him, remain unrelaxed from a horning of 9th May last for not paying him 537 merks 6s. 8d. as principal and £50 for expenses. Pursuer appearing by Archibald Dowglas, there is warrant to the Captain of the Guard to apprehend the defenders and inventory their goods for non-appearance. Decree against Alexander Mauchan and Thomas Young for debt.

Complaint by Sir Thomas Hammiltoun of Monkland, King's Advocate, for his Majesty's interest, and by Niniane Hog of Blaridrine, for his own interest, as follows:—In spite of the laws against bearing fire-arms, Thomas Fraser in Pitcowteis continually carries with him hagbuts and pistolets. Thus on 12th August last he and his accomplices, armed with jacks, spears, swords, and gauntlets, and also with hagbuts and pistolets, came to Hog's dwelling place of Blarydryne at night, and "dernit" themselves all that night about his house, of purpose to slay him; on 22nd, 23rd, and 24th August last the said Fraser had a pair of pistolets at the fair called Bartill Fair, held at the kirk of Kirkcairne O'Neill; and on 9th, 10th, and 11th November last, he had a pair of pistolets "about him" in the town of Abirdene.—Both parties appearing, the Lords assoilzie defender, because, pursuers having referred the charge to his oath, he has sworn by his great oath that it is not true. King's Advocate against Thomas Fraser for bearing fire-arms: Decree of absolvitor.

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Sederunt—Commissioner; Chancellor; Angus; Cassillis; Uchiltrie; Elphingstoun; Roxburgh; Balmerinoch; Scone; Blantyre; Master of Elphingstoun; Bishop of Glasgow; Bishop of Ros; Mr Pettir Rollok; Constable of Dundie; Murdocairny; Bruntiland; Quhittinghame; Privy Seal; Advocate; M°Kanzie. Edinburgh, 19th February.

Complaint by Robert Murray, maltman, burges of Perth, and Agnes Broun, his spouse, that Mr Robert Ros of Cragy, as principal, and Patrik Kynnaird, Johne Broun, and Alexander Miller, in Cragy, as sureties for him, remain unrelaxed from a horning of 5th instant for not paying Decree against Ross of Craigy and others for debt.

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pursuers 1000 merks as principal, with 100 merks yearly for interest during certain years, and 100 merks for expenses.—Murray appearing personally, there is warrant to the Captain of the Guard to apprehend the defenders and inventory their goods for their non-compearance. Acta 1606-7.

Decree against William and John Rhind of Kerse for debt.

Complaint by Lawrence Oliphant in Over Turingis that William Rynd of Kers, and Johnne Rynd, fiar of Kers, remain unrelaxed from a horning of 8th August last for not paying him, as assignee to Johnne Oliphant, his brother, an annualrent of 28 bolls of victual for certain years specified in the letters of horning.—Complainer appearing by Patrik Oliphant, there is decree as above against defenders for non-compearance. Page 205.

Steven Johnstone, messenger, against Cumming of Earnside, and divers others, for sundry acts of violence and oppression: Decree of absolvitor.

Complaint by Stephane Johnnstoun, messenger, against Johnne Cuming of Eirnesyde, Johnne and Archibald, his sons, James Fraser, *alias* Suddart, their servitor, Walter Innes, also their servitor, Johnne Innes, sometime of Coitis, Robert Innes, his son, and Thomas Innes, parson of Bonochie, as follows:—(1) In August 1602, Cuming of Ernesyde, having conceived "ane deidlie haitrent and malice" against complainer,—although he and his family actually reside in the complainer's houses,—"houndit out" his servants, and Katherine Cuming, his sister, to complainer's lands of Nether Linkwode, where, with swords, dirks, and hooks, they cut and destroyed a great quantity of his corn; and on 5th, 6th, 7th, and 8th September following they cut and took away with them so much of his corns as had grown on seven "long braid rigis" of Linkwode. (2) On 1602, while the complainer and his servants were leading the teinds of his said lands, Johnne Cuming , Johnne Cuming, his son, and James Fraser, *alias* Suddart, not only reft the teinds furth of the carts, assaulted his servants, "cuttit the saidis cairtis and rigwiddeis thairof," but pursued complainer for his life. (3) Complainer having been in Elgin on 16th November 1602, the said Johnne Cuming and his said son attacked him with swords and dirks and would have slain him but for the "providence of God" and help of divers good subjects. (4) In 1603 and 1604 the said Johnne Cuming and James Leslie, burgess of Elgin, came to complainer's said lands, and not only demolished all his houses and yard dykes, but took away on horses "the haill fuilyie and guiding" of the said lands and all the corns growing in divers yards thereof. (5) On 15th September last, Cuming of Ernesyde, Johne Cuming, his son, Waltir Innes, his servitor, Thomas Smyth, burgess of Elgin, Frances Mylne in Nether Linkwode, Alexander Cheyne in Elgin, Johne Chalmer at the Mill of Linkwode, James Mylne, servitor to Frances Mylne, Thomas Mylne in Linkwode, James , his servitor, Johnne Innes, *alias* Lang Johnne Waltir Innes, flesher in the College of Elgin, James Innes, his son, James Leslie, burgess of Elgin, and Adam Cuming at Bowbrig, with convocation of the lieges, to the number of twelve persons, all armed with lances, halberts, steelbonnets, plaitsleeves, swords, dirks, and other weapons, came at night to complainer's lands of Linkwode, and not only reft his stacked and stooked corns, but also attacked complainer for his slaughter. (6) On 24th July last, while complainer was in Edinburgh, the said Johne Innes, sometime Page 206.

Acta 1606–7. of Coittis, Robert Innes, his son, and Thomas Innes, parson of Bonecbie, with others, came to his chamber in the College of Elgin, broke up the outer gate thereof, used "divers ingynis" to demolish the inner doors, and at last entered and reft sundry of his evidents. Not having found the evidents they sought, they came on 26th July to the dwelling house of Issobell Cuming, complainer's mother, ejected her, broke up her doors and chests, and spuilyied three stand of "courtingis," six fine feather beds, six pairs of blankets, four pairs of linen sheets, twenty cods, a dozen new cushions, a great paper book, and various other books.—Complainer
Page 207. appearing personally, and the defenders by William Cuming, tiar of Eirnesyde, the Lords assoilzie the defenders from articles 2, 3, and 5, because, divers witnesses having been produced, the proof has failed.

Burgh of the Canongate against the town of Edinburgh in the matter of the freedom of the Edinburgh market to purchasers from the Canongate.

Complaint by Johne Thomesoun and Findla Tailyeour, bailies of the Cannogait, in name of the said burgh, and by Thomas Lowrie, burgess there, for his own interest, as follows:—The public markets and fairs being
Page 208. open to all and sundry, and "the haill inhabitantis within this realme haveing thair daylie and ordinarie recourssis to the mercatis of Edinburgh,—speciallie to the Monanday mercat, at quhat tyme hydis and leddir ar sauld,"—Thomas Lowrie, on Monday, 9th February last, "coft certane hydis for his work publictlie in mercat tyme of day." Thereupon, the bailies of Edinburgh, and Mungo Bankis, their officer, intromitted with the said hides and would not suffer Lowrie to depart with them till he had found caution to answer before the town council in the matter. Though pursuer appeared before the council in defence, yet, on 16th instant, the said bailies apprehended Lowrie and committed him to ward in their tolbooth,—whence they will not release him till he pay 20s. as unlaw for buying the said leather. Although "lyke oppressioun" has often been attempted before against the smiths, wrights, and other crafts of the Cannogait, this last act has proceeded only from the "greid and instigatioun" of Johnne Kneland, deacon of the cordiners of Edinburgh, Alexander Crawfurd and David Wilsoun, cordiners there, and their colleagues, who desire to keep for themselves the whole profit of the said public market.—Charge had been given to Niniane M°Morrane, bailie of Edinburgh, and to the said Bankis, Kneland, Crawfurd, and Wilsoun, to answer; and now, the said Thomesoun, with some of the council of the Cannogait,
Page 209. appearing for the pursuers, and Niniane M°Morrane, James Nesbit, and James Arnot, bailies of Edinburgh, and the said Cleland, Crawfurd, and Bankis being also present, there is produced for the defence an act of the town council of Edinburgh, of date 1st February 1506, bearing that, under pain of warding of the unfreemen and payment of an unlaw of 20s., "no unfreemen come to the mercat of Edinburgh to buy ony leddir afoir ellevin houris past, to the effect that the fremen of the said burgh of Edinburgh, quho beiris portable chairgis thairin, may be first staikit." There is also produced a confirmation of the said act under the privy seal, dated 6th March 1598. To this it is replied by the pursuers that the burgh of the Cannogait, being not subject to the jurisdiction of the

town of Edinburgh, cannot be obliged to observe an Act of the Council of Edinburgh, and that the "privilege of frie mercattis and fairis is to enjoy the libertie of buying and selling fra sone to sone on the mercat dey." The Lords find that the ordinary market days of Edinburgh ought to be free to all the lieges, freemen and unfreemen, and therefore decern against defenders, and ordain them to set Lowrie at liberty. Acta 1606–7.

James Ker against Andrew Whitton for assault: Decree of absolvitor.

Andro Quhittoun in Layhous gives in a copy of the letters raised by James Ker in Auchterhous, charging him with assulting Ker with a drawn sword on 30th October last as he was repairing from Dundie to his own house.—Ker appearing also, and being required to produce the principal letters on which this complaint was founded, "efter mony schiftis and excuissis," does produce them,—"blank, unfillit in the day of compeirance, and without ony executioun." The said Andro having then produced an act of court of the lordship of Auchterhous, dated 3rd November 1606, showing that he, having been prosecuted by the procurator fiscal of the said lordship for the assault, and the matter having been referred to his oath, he had been assoilzied. Whereupon, having purged himself anew by his oath before the Lords of Council, he is again acquitted. Page 210.

Decree against James Bruce and William Keith for debt.

Complaint by Mr Gilbert Bodie, burgess of Abirdene, against the following for remaining as yet at the horn unrelaxed, viz., James Bruce in Smeithfield, denounced in July 1602 for not paying complainer £5 for each of 500 bolls of oatmeal, and William Keith in Parkhous, denounced on 29th May 1602 for not paying him £5 for each of four score bolls of oatmeal; of which goods assignation had been granted to complainer by Gilbert Bodie in Petirheid.—Complainer appearing by Archibald Douglas, but neither of defenders, there is warrant to the Captain of the Guard to apprehend them and inventory their goods. Page 211.

Decree against James and Andrew Bruce for debt.

Complaint by Gilbert Cok in Gask of Crowden that James Bruce in Frenchfeild, as principal, and Andro Bruce in Buchlaw, as cautioner, remain unrelaxed from a horning of 17th March 1604 for not paying him £4 for each of 600 bolls of oatmeal.—Complainer appearing by his procurator, there is decree as in last Act against defenders for non-compearance.

Decree against Adam Asloss, younger of that Ilk, for non-fulfilment of contract.

Complaint by Thomas, Lord Boyd, that Adam Aslos, younger of that Ilk, remains unrelaxed from a horning of 21st May 1602 for not fulfilling a contract between them, and for not paying him the annualrents owing since the date of the contract.—Complainer appearing by Archibald Douglas, decree as above against defender for non-compearance. Page 212.

Walter Scott against Scott of Quhithauch for assaulting an officer.

Complaint by Waltir Scott, brother of Robert Scott of Huntlie, and by Johnne Andirsoun in Selkirk, as follows:—An agreement had been made between the said Waltir and Waltir Scot of Quhythauche providing that, if either acquired any right to the lands of Waltir Scot of Eidschaw, he should dispone half thereof to the other. Now, Scot of Quhythauch having obtained from Scot of Eidschaw a tack of his lands of Quhythauch, and having refused to dispone half of the said tack to the complainer, complainer had raised summons against him and had directed the said Andersoun as his Majesty's officer to execute the same. The officer Page 213.

Acta 1606-7. having delivered to the defender a copy of the summons, and shown him the principal thereof as his warrant, the Laird of Quhithauch "first utterit divers detestable and reproachfull speicheis," and then assaulted him with his "feit and nevis," giving him "mony bauch and bla straikis," and drawing a whinger for his slaughter.—Waltir Scot appearing for himself and for Andersoun, and Scot of Quhithauch being also present, the Lords assoilzie the defender, because he has declared by his great oath that the libel is not true.

Edinburgh, 23rd February. Escape of Mr Charles Ferme and Mr John Munro from the Castle of Doune.

Mr Chairlis Ferme and Mr Johnne Monro, ministers, having been "commitit to waird within the Castle of Downe in Menteith," and direction having been given "for transporting of thame thairfra to the places appointit for thair confyning and wairding" (*ante*, p. 305), they have meanwhile broken ward and escaped. There is therefore order to charge them to appear and answer before the Council on , under pain of rebellion.

Charge to the Constable of the Castle of Doune and the sheriff-deputes of Stirling for allowing the said ministers to escape.

Page 214. Archibald Stewairt, constable of the Castle of Downe, having been charged to deliver the said ministers to the sheriff of Striveling and his deputes for conveyance to the places appointed for their warding (*ante*, p. 305), and the ministers having escaped, "be collusioun and policie" between him and , sheriff deputes of the said shire, who were present at the escape without "preissing to stay or hinder thame," the said constable and sheriff deputes are to be charged to answer before the Council on 3rd March next, under pain of rebellion.

Edinburgh, 24th February.

Sederunt.—Commissioner; Chancellor; Angus; Cassillis; Caithnes; Athoill; Uchiltrie; Elphingstoun; Forbes; Maxwell; Herreis; Cathcairt; Balmerinoch; Lowdoun; Blantyre; Torphechin; Bishop of Glasgow; Bishop of Ros; Halyruidhouse; Master of Elphingstoun; M^cKanzie; Quhittinghame; Kilsyth; Bruntiland; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Sir Johnne Arnot; Sir James Hay.

In the matter of the feud between Home of Eccles and the Haitlies.

Charge had been given to the following persons to appear this day prepared to submit their feud to the arbitration of neutral friends, conform to the Act of Parliament:—viz. Mr James Home of Ecclis, Mr William Home of Graden, and Alexander Home, servitor to the said Mr James, on the one part, and Andro Edmestoun of that Ilk, Sir Johnne Ker of Hirsale, Andro Haitlie, uncle of James Haitlie of Mellirstanes, Andro Haitlie of Sneip, James and Johnne Haitleis, his sons, Henry Haitlie, brother of the said Andro, Mark Haitlie in Fawnis, Alexander Haitlie of Lambden, Johnne Haitlie, his brother, Alexander Haitlie of Hardlaw, Alexander Haitlie in Halyburtoun, Andro, Leonard, James, and Johnne Haitleis, his brothers, Robert Haitlie of Plewland, Archibald, Thomas, and Alexander Haitleis, his brothers, David Lumisdane of Blanarne, Robert Lumisdane of Airdrie, Johnne Mow of that Ilk, James

Mow, his brother, and Marioun Lumisdane, Lady Mellirstanes, mother of the said James Haitlie of Mellirstanes, on the other part, together with Sir Johnne Home of Coldounknowis, Mr Thomas Cranstoun of Morestoun, and William Naper of Wrichthoussis, curators to the said Laird of Mellirstanes, for their interest. And now, Home of Ecclis appearing, and Marioun Lumisdane, Edmestoun of that Ilk, Ker of Hirsale, Haitlie of Sneip, Thomas his brother, Mark Haitlie, Haitlie of Hardlaw, Haitlie in Haliburtoun, said brothers of Haitlie of Plewland, Lumisdane of Blanarne, James Mow, all friends of the Laird of Mellirstanes, and Sir Johne Home and William Naper, two of his curators, being also present, it is pleaded by the friends and curators of the Laird of Mellirstanes that, as the said Laird, the principal party in this feud, is now abroad, and has not acquainted them with his will in this matter, the diet should be continued. The Lords do continue the matter till 26th March next, and in the meantime both parties undertake to keep the peace. Acta 1606–7. Page 215.

Cunningham of Aiket and Cunningham of Clonbae parties to a submission.

There having been a submission of the feud between Hew, Earl of Eglintoun, and his friends, on the one part, and James, Earl of Glencairne, and his friends, on the other, but James Cunynghame of Aikitt, William Cunynghame of Clonbae, Hew Cunynghame of Saltcoittis, Patrik Montgomerie of Flatt, and Thomas Montgomerie of Blakstoun, not having been included in the submission, albeit they have "interesse in that feid," charge had been given to the Lairds of Aikatt and Clonbae to answer. Both appear, and declare that they are "content to be comprehendit within the said submissioun." Page 216.

Acceptation of the submission between the Earls of Eglinton and Glencairn, and of the arbiters they have named.

Hew, Earl of Eglintoun, and James, Earl of Glencairne, being required by an article of the submission of their feud to "compeir with friends and arbitouris for acceptatioun of the submissioun," appear accordingly. Glencairne declares that the Laird of Glenurquhy, one of his arbiters, is "seik," and desires that William Porterfeild of Duchall may be received in his place; and Eglintoun craves that the Laird of Lag may be substituted for the Laird of Gairleis, one of his arbiters, who is "to repair to Court." Allane, Lord Cathcairt, William Porterfeild of Duchall, Johnne Blair of that Ilk, Sir Johnne Maxwell of Nether Pollok, Thomas Ottirburne of Reidhall, and Flemyng of Berrochane appear and subscribe the submission as arbiters for Glencairne; and Sir James Dowglas of Drumlangrig, Sir William Greir of Lag, Sir Johnne Bruce of Kincavill, Sir Johnne Wallace of Cornell and Andro Ker, brother of the Earl of Lowtheane, do the same as arbiters for Eglintoun.

Arbiters in Lord Sempill's submission.

Robert, Lord of Roxburgh, Mr Johnne Prestoun of Pennycuke, Prestoun of Craigmillair, Sir William Seytoun of Killismure, and Sir Johnne Prestoun of Valeyfeild appear and subscribe the submission as arbiters for Lord Semple.

To denounce Montgomery of Haslehead.

Charge had been given to James Cunynghame of Glengarnok and Robert Montgomerie of Hessilheid to appear this day, prepared to submit their feud to arbitration. James, appearing, denies that there is a feud, but professes that, if Robert "wald qualifie a feid," he will submit. Robert, failing to appear, is to be denounced rebel. Page 217.

Acta 1606–7.

Sederunt—Commissioner; Chancellor; Angus; Cassillis; Orknay; Lowthiane; Forbes; Uchiltrie; Elphingstoun; Cathcairt; Maxwell; Lowdoun; Herreis; Roxburgh; Balmerinoch; Blantyre; Master of Lowthiane; Master of Elphingstoun; Bishop of Glasgow; Bishop of Ros; Halyruidhous; Mr Petir Rollok; Constable of Dundie; Murdocairny; Quhittinghame; Bruntiland; Kilsyth; McKanzie; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Sir James Hay; Sir George Douglas; Sir Johnne Arnot. Edinburgh, 26th February.

Decree against Sir Robert Forrester, fiar of Strathenrie, and others, for debt.

Complaint by William Kemp, merchant, burgess of Edinburgh, and Agnes Bischop, his spouse, that Sir Robert Forrester, fiar of Strathenrie, as principal, and Sir George Douglas of Kirknes and David Boiswell of Auchmure, as cautioners for him, remain unrelaxed from hornings of 15th July and 27th November last for not paying to pursuers, as assignees to James, Commendator of Melrois, and Dame Helenour Scot, his spouse,
Page 218. £1000 as principal and 300 merks for expenses.—Kemp appearing personally, there is order for a warrant to the Captain of the Guard to apprehend the defenders and inventory their goods for their non-compearance.

Decree against Sinclair of Whitkirk for debt.

Complaint by William Carmichaell, son natural of Archibald Carmichaell of Edrem, that Henry Sinclair of Quhytkirk remains unrelaxed from a horning of 14th instant for not paying him 200 merks
Page 219. as principal and £60 for expenses.—Complainer appearing personally, decree as above against defender for non-compearance.

Decree against Learmonth of Dairsie and others for debt.

Complaint by Duncane Wemyes of Pitcany that William Leirmonth, apparent of Dairsie, Thomes Monypenny of Kinkell, Mr Johnne Clapen of Bellintagart, and Mr William Forbes, merchant, burgess of Edinburgh, remain unrelaxed from hornings of 23rd October, 28th November, and 1st January last, for not infefting and seising him in liferent, and his nearest heirs and assignees in fee, in an annualrent of 600 merks yearly, to be uplifted furth of their lands, and for not paying him the said annualrent for certain terms since the date of their band to him, viz. 11th and
Page 220. October 1605.—Complainer appearing personally, decree as above against defenders for non-compearance.

Suspension of horning against Thomas Maxwell.

Complaint by Thomas Maxwell of Buttlemanis that he is put to the horn at the instance of James Lindsay, elder of Fairgirth, for not finding lawburrows to him, under the pain of £500. As he was never lawfully charged, and as nevertheless, on 5th January 1603, he found the said caution, the horning ought to be suspended.—Complainer appearing by Johnne Young, but the defender not appearing, the Lords do suspend the horning.

Decree against Scott of Northhouse for debt.

Complaint by Hectour Turneble of Stanyledge that Robert Scot of Northhous remains unrelaxed from a horning of 5th March 1606 for not
Page 221. paying him the violent profits of the lands of Harwodtoun and Fairnyleis since his ejection furth of the said lands, and for not repossessing

him in the same, conform to a decree of the Lords of Council on 25th January 1606.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend the defender and to inventory his goods for his non-compearance. Acta 1606-7.

Suspension of horning against George and Hew Campbell and George Johnstone.

Representation by George Campbell in Newmylnes, and Hew Campbell and George Johnstoun, servitors to Hew, Lord of Lowdoun, as follows :—For "alleget persute and invasioun" of Johnne Mitchell in Dyke, they were decerned to pay him 100 merks each, and to pay the Treasurer a fine of 200 merks ; and for their "allegeit dissobedience" they have been put to the horn. As they have now made complete payment of the said sums, as the acquittances of Mitchell and Sir Johnne Arnot, treasurer-depute, show, the horning should he suspended.—Campbell appearing for the pursuers, and Arnot being also present, the Lords do suspend the horning. Page 222.

David Cumming and others against Laurence Reid and others : Suspension of horning and modification of penalties.

Complaint by David Cuming in Ardormie, and Archibald and Johnne Cumingis, his sons, as follows :—They have been charged, under pain of rebellion, to find lawburrows to Lowrence Reid in Ardormie, William Reid, his son, Patrik, William, and George Reidis, his brothers,—David in 500 merks, and Archibald and Johnne in 300 merks each. Now, the said pains are far above the sums prescribed in the Act of Parliament, the said David being but "ane yieman and labourair of the ground," liable in 100 merks only, and the said Archibald and Johnne having nothing to live upon except what David allows them, and being liable at the most in £40 each. —David appearing for the pursuers, and Lowrence Reid for the defenders, and Reid having alleged that the defenders had been obliged to find caution to the complainers in the sums abovewritten, and that, if there is to be any modification of the pains, it should be *hinc inde*, the Lords suspend the letters of horning, and modify the pains to 100 merks for defenders and pursuers equally. Page 223.

Decree against Scott of Balweary for debt.

Complaint by James Lindsay of Dowhill and Andro Wardlaw of Torrie that Sir James Scott of Balwerie remains unrelaxed from hornings of 26th and 28th January last for not relieving them at the hands of Agnes Logane, relict of Johnne Quhippo, elder in Leith, and Quhippo, his son and heir, of the payment of 10,000 merks as principal and £500 for expenses.—Complainer appearing by James Prymrois, but defender failing to appear, there is warrant to the Captain of the Guard to apprehend him and inventory his goods. Page 224.

Decree against Mr David Guthrie for debt.

Complaint by George Foullertoun of Dynnune that Mr David Guthrie in remains unrelaxed from a horning of 28th August last for not paying him 518 merks and £25 as expenses.—Complainer appearing by , his procurator, decree as above against defender for non-compearance. Page 225.

Decree against Matthew Finlayson and son for debt.

Complaint by William Naper, son and apparent heir of William Naper of Wrichtishoussis, that Mathew Finlasoun of Killeith, and Mr Johnne Finlasoun, his son and apparent heir, remain unrelaxed from a horning of 20th September last for not paying him £767 as principal and

Acta 1606-7. Page 226. 200 merks for expenses.—Complainer appearing personally, decree as above against defenders for non-compearance.

Decree for John Rait and Mr David Rait against Arthur Straiton for non-fulfilment of contract.

Complaint by Johnne Rait, sometime in Sillieflat, and Mr David Rait, principal of the College of Abirdene, his son, that Arthoure Stratoun of Snawtoun remains unrelaxed from a horning of 19th July 1606 for not redeeming from them the mill of Crayge, occupied by Richard Garyauch, with the mill lands, multures, sucken, and knaveschip thereof, together with the shadow halftown of Snawtoun, by paying them 3000 merks, conform to a contract.—Complainers appearing by Robert Guthrie, decree as above against defenders for non-compearance.

Suspension of horning against Mr David Wemyss.

Petition of Mr David Weymes, son of Duncane Weymes of Pitcany, as follows:—Having been put to the horn at the instance of Johnne Page 227. Chalmer, minister at Auchindirie, for not answering for alleged wounding of the said minister, but having now satisfied Mr Johnne for the injury, as Mr Johnne's letter to him of date 21st January last shows, and having found caution nevertheless in £1000 to answer to the said complaint,—his escheat also being disponed to the defenders,—he prays for the suspension of the horning.—Both parties appearing, the Lords, with consent of defender, do suspend the horning.

Charge to Dundas of Priestsinch and certain Spences to submit their feud.

Charge to be given to Magdalene Auchincraw, relict of Richart Spence of Chirnesydemaynis, William Bartilmo, James and David Spenssis, sons of the said Richard, Andro Home of Nynewallis, James Spence, servitor to Sir Richard Cokburne of Clerkingtoun, lord privy seal, and Mr Johnne Clappertoun, minister at the kirk of , on the one side, and to David Dundas of Preistinche, on the other, to appear before the Page 228. Council on , prepared to submit their feud to arbitration, conform to the Act of Parliament.

The Duke of Lennox and Earl of Mar, collectors of taxation, against the Earl of Perth and others.

Complaint by Ludovick, Duke of Lennox, and Johnne, Earl of Mar, collectors of the taxation granted to his Majesty in February 1601, as follows:—Patrik, Earl of Perth, steward of Stratherne, and Patrik Grahame of Inchebraky, Patrik Drummond of Millinab, and Hary Drummond of Balloch, his steward deputes, had been charged in the taxation of 200,000 merks to pay £389, 12s. 8d., as part of the taxation of the stewartry and lordship of Stratherne, and in the taxation of 100,000 merks to pay £302, 1s. 4d.; and Sir Duncane Campbell of Glenurquhy had been charged, for his lands in the lordship of Kinclavin in the taxation of 100,000 merks, to pay £28, and for his teinds of the kirk of Inchecaddin in the same taxation £40. Now, the said persons, having appealed to the Lords of Secret Council, have obtained, for "certane frivolous ressonis," suspension of the said charges; and so the arrears are still due. —Charge had been given to the said steward deputes to answer; and now, pursuers appearing by Archibald Prymrois, and defenders by James, Commendator of Inchchaiffray, the Lords, with consent of both parties, remit this matter to the commissioners of the said taxations.

To denounce the Laird of MacIntosh

Page 229. Charge having been given to Lauchlane M°Intosche of Dunnauchtane, Angus M°Intosche Williamsoun of Termet, and William M°Intosche to

and others for not appearing to answer for the good rule of their men.

answer this day, under pain of rebellioun, touching the good rule of those for whom the late Lauchlane M^cIntosche was responsible (*ante*, p. 290), and none of them appearing, the Lords ordain them to be denounced rebels, but supersede the execution of the horning till 21st May next. If they do not then appear they are to be put to the horn, and not to be heard afterwards without payment of £1000 to his Majesty. Intimation hereof is made to Johnne Belschis, who appeared to excuse the absence of the said persons. Acta 1606–7.

Edinburgh, 28th February. Riot among the students in St Andrews: Charge to the regents and students of the Colleges to appear and answer.

"Forsamekle as the Lordis of Secrite Counsale ar informit of ane verie grite insolence fallin out of lait within the citie of Sanctandrois, upoun the twenty sex day of Februair instant, betuix the students of the Auld Colledge of Sanctandrois and St Leonardis College,—who being at the buriali of Helene Traill, Lady Balcormour, they, in presence of thair awne maisteris and regentis, invaidit and persewit otheris within the kirk-yaird with swordis, battonis, and utheris wapponis, brocht with thame thair for the purpois, and divers of thame ar cruellie hurte and woundit, to the effusioun of thair blude and perrell of thair lyveis: whereby the peace of that Universitie is very fer disturbit, and forder inconvenientis lyke to fall out amangis thame without remeid be providit: Thairfore the saidis Lordis ordanis letters to be direct chairgeing Master James Martene, provest of the Auld College, and , regentis of the said College, Mr Robert Wilkie, principall of the New College, and , regentis of the said College, and , studentis of the saidis twa Collegeis, to compeir personalie before the saidis Lordis upoun the twelft day of Marche nixt to cum, to answer and undirly tryall and punischement for the premissis as appertenis, undir the pane of rebellioun."

Edinburgh, 3rd March.

Sederunt—Commissioner; Chancellor; Caithnes; Forbes; Uchiltrie; Elphingstoun; Roxburgh; President; Blantyre; Bishop of Ros; Halyruidhous; Master of Elphingstoun; Murdocairny; Bruntiland; Constable of Dundie; Collector; Advocate; Clerk of Register; Foistersait. Page 230.

Report of the arbiters in the submission between the Earls of Eglinton and Glencairn.

Robert, Lord of Roxburgh, and Mr Johnne Prestoun of Pennycuik, collector, appearing for themselves and for the other arbiters chosen by the Earl of Eglintoun, Lord Semple, and their friends, and Allane, Lord Cathcairt, appearing for himself and for the other arbiters chosen by the Earl of Glencairne, and his friends report as follows:—At a meeting of the arbiters for both parties, the Earl of Glencairne's arbiters having declared to the other arbiters that "this submissioun concernit not the Erll of Glencairne allane, bot that everie ane of his freinds had thair awne particulair interesse and had gevin thair clames *hinc inde*," and that "thairfore they could not aggrie upoun a generall ourisman for all, bot every ane of thame craved that they micht have ane ourisman for thair awne pairtie," the result had been that "the arbitouris for the Erll of Eglintoun, the Lord Semple, and thair

Acta 1606-7. freindis could not aggrie upoun sa mony ourismen as the other arbitouris craved, and thairfore they gaif up the said submissioun."

"The Lordis of Secrite Counsale remembering how that the Kingis Majestie bestowis grite chairgeis and expenssis upoun the intertenyment of a Gaird for the executioun of all suche directionis as salbe concredited unto thame be the saidis Lordis tuitcheing the observatioun of his Majesteis peace, apprehensioun of rebellis, and doing of suche otheris serviceis as sal happin to occur; and the saidis Lordis finding it nawyse reasonable that they sould be idillie intertenyed and thair waigeis unprofitablie bestowed, bot that they sould be haldin in continewal imployment and service in everie quarter of the cuntrey: Thairfore the saidis Lordis findis it verie necessar and expedient, and ordanis, that in this approcheing vacance thair salbe certane nomberis of the Gaird with a commander directit and send to every quarter of this kingdome, eist, west, south, and north, with expres commandiement and directioun to execute all decrites, commissionis, and warrandis of the Counsale past and exped to the Guaird for apprehensioun of rebellis, and to assist the schireffis of the schyreis, gif neid beis, in the executioun of thair office, and that proclamationis salbe direct with thame to mak intimatioun to the subjectis of the cuntrey that the Guaird is come in these boundis, and to wairne thame to gif in thair commissionis and warrandis to the Guaird, quhairthrow the samyn may be put to executioun."

Act for the constant employment of the King's Guard in all parts of the country for the execution of the decrees of the Council.

Page 231.

Mr Chairlis Ferme and Mr Johnne Monro, ministers, having been allowed to escape "be collusioun and policie" between Archibald Stewart, constable of the Castle of Doun in Menteith, and Johnne Stirling and Thomas Home, sheriff-deputes of the shire of Striveling (*ante*, p. 323), charge had been given to Stewart and Stirling to answer. Both appearing, the Lords ordain Stewart to be committed to ward in the Castle of Edinburgh, but assoilzie Stirling, because it had been proved that he had not been lawfully charged to receive the said ministers from Stewart.

Case against Archibald Stewart and John Stirling for allowing two of the warded ministers to escape.

Edinburgh, 5th March.

Sederunt—Commissioner; Chancellor; Angus; Cassillis; Lowtheane; Uchiltrie; Roxburgh; Balmerinoch; Blantyre; Bishop of Ros; Halyruidhous; Master of Lowtheane; Master of Elphingstoun; Murdocairny; Bruntiland; Privy Seal; M°Kanzie; Justice Clerk; Mr Petir Rollok; Advocate; Collector; Clerk of Register; Foistersait.

Page 232.

Complaint by Johnne Stewairt, merchant, burgess of Perth, that Andro Cowie, notary, remains unrelaxed from a horning of 27th January last for not producing before the Lords of Council a contract made between Alexander Mauchane, merchant, burgess of Edinburgh, Thomas Younger in Culrois, Daniell Brice in Airth, and Thomas Younger there, on the one side, and George Brice, elder, and George Brice, younger, on the other side, by which Mauchane and his colleagues became bound to relieve Brice, elder and younger, at the complainer's hands touching the payment

Decree against Andrew Cowie, notary, for not producing a contract.

of 1000 merks due by them to him, and, for the Brices' better relief, to pay the said sum to the pursuer.—Pursuer appearing by Lowrence Wilsoun, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-appearance. Acta 1606–7.

Ratification of an article in an agreement between Lord Forbes and Irvine of Drum.

As, by a contract lately made between Arthour, Lord Forbes, and Alexander Irwing of Drum, for removing of the "grudgeis, contraverseis, and unkyndnes" between them on account of the slaughter of William Broun, servitor to Johnne Irwing, committed by Johnne Forbes, brother of Forbes of Corsindae, William Forbes of Tirrivaill, Patrik Forbes, his brother, and Robert Skene in Tullibirlay, Lord Forbes is bound to banish the said malefactors, the Lords, for the "bettir confirmatioun of the amitie and freindschip" between the said parties, ratify that article of the contract, and give full power to Lord Forbes to pronounce the doom of banishment against the said persons, and to carry the same into execution. Page 233.

Power to Gordon, younger of Lesmore, to use fire-arms in the execution of his commission against certain malefactors.

A commission having been granted to James Gordoun, apparent of Lesmoir, for the apprehension of Johnne Dow M^cGillichallum and his accomplices, murderers, thieves, and oppressors, and he having already taken some of them, "of quhom certane ar worthelie execute to the deid," and Allaster Stewart, "ane of the maist notable lymmairis of that societie," having been presented before the Justice, but the said Johnne and the rest of his accomplices not having yet been apprehended, and having armed themselves with hagbuts and pistolets "the bettir to stand to thair defence," power is given to Gordoun to use hagbuts and pistolets also on his side in the execution of his commission.

Decree against MacIntosh of Gask for not obeying a decree of spulyie.

Complaint by Jonet Cuming, relict of Alexander Dumbar of Inchebrok, and by Patrik Dumbar, now her spouse, for his interest, that Lauchlane M^cIntosche of Gask remains unrelaxed from a horning of 22nd May last for not restoring to them ten drawing oxen, worth £16 each, and ten kye with their followers worth £12 each, conform to a decree of spuilyie obtained by her against him before the Lords of Council and Session, of date 7th March 1605, or else paying them the prices of the said goods, together with £10 for expenses and 40s. paid to the Lords' collector.—Complainers appearing by Alexander Cunynghame, there is warrant to the Captain of the Guard to apprehend the defender and inventory his goods for his non-compearance. Page 234.

Decree against Learmonth of Dairsie and others for debt.

Complaint by William Wood, tutor of Lambelethame, and Alexander Wood of Greinsyde, that William Leirmonth, apparent of Dairsie, as principal, and Alexander Forsyith of Nydie and Thomas Monypenny of Kinkell, as sureties for him, remain unrelaxed from a horning of 7th January last for not paying the said William 1000 merks as principal and £100 for expenses, and the said Alexander 2300 merks.—Complainers appearing by Archibald Douglas, decree as above against defenders for non-compearance. Page 235.

Decree for Robert Lawder against

Complaint by Robert Lawder, writer, that Sir James Scot of Balwerie remains unrelaxed from a horning of 3rd April last for not paying him,

Acta 1606-7. as assignee to James Beinstoun in Lambelethame, 550 merks as principal and 100 merks for expenses.—Complainer appearing personally, decree as above against defender for non-compearance. Scott of Balweary for debt.

Complaint by Mathew Baillie of Litlegill that Patrik Dowglas of Kilspindie remains unrelaxed from a horning of 12th August 1605 for not paying him £57, conform to a decree of the Council and Session.— Decree against Douglas of Kilspindie for debt.

Page 236. Complainer appearing personally, decree as above against defender.

Complaint by the bailies of the burgh of the Cannogait, and by Chairlis Fortoun, deacon of the cordiners, Thomas Lowrie, Thomas Masoun, Johnne Patirsoun, Arthour Barrie, and Hectour Craig, all cordiners of the said burgh, as follows:—Upon 23rd February last, the ordinary market day of Edinburgh, complainers having gone to the market to sell "schone, mullis, and uther workmenschip maid of leddir," Johnne Kneland, deacon of the cordiners of Edinburgh, Daniell Johnnstoun, Mungo Hendirsoun, David Wilsoun, and Robert Watsoun, their officer, all cordiners there, "be way of bangastrie" reft from complainers ten pairs of shoes, which they still detain. Again, upon 2nd instant, while complainers were selling their said goods in the market of Edinburgh, Johne Kneland, Robert Watsoun, and Thomas Moresoun, "violentlie and perforce overwhelmed and dang doun the saidis complenaris standis and tred thair schone and mullis in the myrris and guitteris," and Watsoun drew out his whinger and would have invaded them for their lives if he had not been stayed.—Charge had been given to Kneland, Johnnstoun, Hendersoun, Wilsoun, and Watsoun, to answer; and now, Finla Tailyeour and Johnne Thomsoun, bailies of the Cannogait, and the other pursuers appearing personally, and Kneland, Hendirsoun, Johnnstoun, and Watsoun being also present, the Lords ordain the defenders to restore the said goods to pursuers and to keep good neighbourhood with them in time coming. The burgh of the Canongate against the cordiners of Edinburgh for denying them the freedom of their markets

Page 237.

Complaint by Beatrix Cheisholme, and Helene Ogilvy, her daughter, that Johnne Kinros, brother of James Kinros of Kippenros, remains unrelaxed from a horning of 19th August last for not paying them 400 merks as principal and £20 for expenses.—Complainers appearing by Thomas Burrell, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-appearance. Decree against John Kinross for debt.

Page 238.

Complaint by Ludovik, Duke of Lennox, and Johnne, Earl of Mar, collectors of the taxation of 100,000 merks granted to his Majesty in February 1601, that Sir James Scot of Balwerie remains at the horn for not paying them £80 for the tax of the teinds of the kirk of Stramiglo, held of the Bishop of Dunkeld.—Complainers appearing by Archibald Prymrois, decree as above against defender. Decree against Scott of Balweary for not paying a tax.

Page 239.

Complaint by the said Duke and Earl that, the following having been charged to pay their parts of the taxation abovewritten, and having obtained from the Council suspension of the letters to a certain day, now long past, "na thing has bene proceidit thairin": viz., Mr Patrik Balfoure of Pitcullo, James Skrymgeour of Myreis, and Johnne Robertsoun of Duke of Lennox and Earl of Mar against James Scrymgeour and others for non-payment of their taxes.

Schevis, for themselves and for the feuars of the earldom of Fyff, £118, 3s. 4d.; Sir George Dowglas of Helenehill for his teinds of the kirks of Kennowy and Merkinche £196, 12s., and for his pension out of the priory of Sanctandrois £24; and Williame Sandielandis of Sanctmonanis for his teinds of the lands of Pitlair £11.—Complainers appearing by Archbald Prymrois, but neither Skrymgeour nor Robertsoun appearing (the only two cited), the Lords remit this matter to the Lords Commissioners for his Majesty's taxations. Acta 1606-7.

Bain of Logie against MacKenzie of Kintail for assault in a stair in Edinburgh: Decree of absolvitor.

Complaint by Alexander Bane of Logy, as follows:—Kenneth M^cKanzie of Kintaill, having conceived deadly hatred against him for an action he had raised against the said M^cKanzie before the Lords of Session, and "intending indirectlie to cut him af in the meantyme of the hoip of the victorie of his caus," came, with others, on the 2nd instant, at 7 o'clock in the evening, when complainer was "ganging up Mr Alexander Gibsonis stair to his chalmer for doing of some point concerning his said actioun," and, "awaiting the said complenair at the heid of the stair, violentlie, with his neiveis and sword guairdis, dang the said complenair af the heid of the stair to the calsay, quhairby he brak sum of his ribbs and lay in grite perrell of his lyff."—Both parties appearing, the Lords assoilzie the defender, because the pursuer, after producing divers witnesses, has failed in his proof. Page 240.

Edinburgh, 10th March.

Sederunt—Uchiltrie; Balmerinoch; Blantyre; Halyruidhous; M^cKanzie; Quhittinghame; Privy Seal; Bruntiland; Sir Johnne Arnot; Mr Petir Rollok.

Ordinance for allaying the trouble fallen out between the students of the New College and those of the Old College in St Andrews.

"Forsamekle as of lait thair hes fallin out a verie grite insolence within the citie of Sanct Androis betuix the studentis of the Auld College and the studentis of Sanct Leonardis College, who, be the connivence and oversicht of thair maisteris and regentis (who cairfullie sould have watchit over thame, haldin thame undir obedience, and preventit all appeiranceis and schawis of trouble and unquietnes), hes not onlie this lang tyme foisterit privat grudgeis, emulationis, and miscontentment amang thame, bot now at last it hes burst out in actioun and oppin hostilitie and some bludesched hes bene committit: quhairby the peace of the Universitie is disturbit, the ordinair course and progres of teitching is hinderit, and some factious personis, favourairis of athir College, ar busy to foister and interteny this divisioun, and to procure new trouble betuix thame without remeid be providit. Thairfore, the Lordis of Secrite Counsale ordanis letters to be direct chairgeing the maisteris and regentis of the sadis Collegeis to attend and await upoun thair Collegeis, and to have a speciall cair and regaird that na new trouble or unquietnes fall out amang thair scolleris, and to chairge thame, as alsua thair studentis and scolleris, that they retene an keip thame within thair awne boundis and Colledgeis; and, quhen the occasioun of thair recreatioun and pastyme is presentit, that then the studentis of Sanct Leonardis addresse Page 241.

Acta 1606-7. thameselffis to St Nicolas feildis, and the studentis of the Auld College to the commoun linkis, and that nane of thame of Sanct Leonardis resorte nor repair to the linkis and feildis appointit for those of the Auld Colledge, nor that nane of the Auld Colledge, resorte nor repair to the feildis appointit for those of Sanct Leonairdis; as alsua that nane of the saidis maisteris and regentis repair to the kirk, bot content thameselffis with thair exercise in thair awne Colledgeis, quhill the present troublis amangis thame be removed: as they will ansuer upoun thair obedience at thair heichest chairge and perrell. As alsua to chairge the haill inhabitantis of the said citie, be oppin proclamatioun at the mercat croce thairof, that nane of thame assist nor tak pairt with ony of the saidis Colledgeis, nor foister thame in thair humouris and passionis, bot behave thameselffis indifferentlie, as becomeith modest, quiet, and peciable citizenis, as they and ilk ane of thame will ansuer upoun the contrair at thair heichest perrell."

Commission to the Archbishop of St Andrews anent the said troubles.

Full power and commission granted to George, Archbishop of Sanct Androis, chancellor of the University of Sanct Androis, to take trial how the said troubles fell out, "who wer the authouris thairof, and be quhom they have bene foissterit," and to use all means "quhairby the saidis Colledgeis and haill memberis and studentis of the same may be agane unite in peace." There are adjoined to the Archbishop, as assessors, Sir
Page 242. James Hay of Kingask, Leirmonth of Balcomie, David Maull of Boith, commissary of Sanct Androis, William Balfoure, Johnne Wemyes of Craigtoun, and Andro Wode of Strathuthie, or any four of them; and the Archbishop is to report proceedings on 19th instant to the Privy Council.

Edinburgh, 12th March.

Sederunt—Commissioner; Angus; Lowtheane; Uchiltrie; Balmerinoch; Blantyre; Bishop of Glasgow; Bishop of Ros; Halyruidhous; Master of Lowthiane; Master of Elphingstoun; Privy Seal; Murdocairny; Bruntiland; Quhittinghame; M^cKanzie; Kilsyth; Collector; Clerk of Register; Sir Johne Arnot; Sir James Hay; Sir George Dowglas.

Decree against John Wilkison for debt.

Complaint by Petir Wilkiesoun in Ewart of Glenduill that Johne Wilkiesoun, burgess of Selkirk, remains unrelaxed from a horning of 19th January last for not paying him £64 as principal and £20 for expenses.—Com-
Page 243. plainer appearing by Mr Alexander Home, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-compearance.

Decree against Turnbull of Bedrule for not relieving his surety.

Complaint by Williame Allansoun, burgess of Jedburgh, that Waltir Turneble of Badreull remains unrelaxed from a horning of 9th December last for not relieving him of certain sums and annualrent due to the late James Ker of Middlemast Wallis, and Marioun Cunynghame, his spouse. —Complainer appearing by Lowrence Fentoun, decree as above against defender for non-compearance.

Complaint by Balthazair Skirling, maltman, burgess of Perth, (1) that

Decree against Blair of Balgirsho for not relieving his surety.

Leonard Blair of Balgirscho remains unrelaxed from a horning of 13th November 1605 for not relieving him at the hands of David Wricht, armourer, burgess there, and Jonet Mitchell, his spouse, of the payment of £100, and three bolls and two firlots of oatmeal, and for failing to infeft and seise them in an annualrent of three bolls and two firlots of oatmeal; (2) that Gilbert Adamsoun, son of the late Henry Adamsoun, burgess of the said burgh, remains unrelaxed from a horning of 29th November 1605 for not paying him, as assignee to William Essie, servitor to Andro Weymes of Myrcairny, one of the senators of the College of Justice, the sum of £100.—Pursuer appearing by Johne Young, decree as above against Blair,—Adamsoun not having been cited. Acta 1606-7. Page 244.

Decree against John Ross for debt.

Complaint by David Lindsay, keeper of the tolbooth of Edinburgh, that Johnne Ros, sometime of Ballivat, remains at the horn for not paying him £260 as principal and £40 for expenses.—Complainer appearing personally, decree as above against defender for non-compearance. Page 245.

Decree against Robert Buchanan and others for non-delivery of a tack.

Complaint by Alexander, Lord Elphingstoun, that Robert Buchannane of Spittell, Mathew M°Cawlay of Ardoch, Johnne Buchannane, elder in Blairlosk, Johnne Galbraith in Blairquhoische, Patrik M°Lintok in Balloch, Thomas Buchannane in Mylnetoun, Ewphane M°Conachie there, and Donald [? David] M°Lintok in Balloch, remain unrelaxed from a horning of 7th February last for not delivering to him, as assignee to Sir James Erskin of Craig, and dame Marie Erskin, his spouse, the tack and teinds of the lands occupied by them belonging to the parsonage and vicarage of the parish kirk and parish of Kilmarannok.—Charge had been given to the defenders, and to Johnne Buchannane, younger in Blairlosk, to answer; and now, complainer appearing by Alexander Leslie, there is decree as above against defenders for non-compearance. Page 246.

Decree against the Countess of Atholl for debt.

Complaint by Andro, Lord Stewairt of Uchiltrie, that dame Marie Ruthvene, Countess of Athoill, remains unrelaxed from a horning of 19th February last for not paying him 11,000 merks as principal and 500 merks for expenses.—Complainer appearing personally, decree as above against defender for non-compearance. Page 247.

Decree against the Earl of Atholl for non-fulfilment of an obligation.

Complaint by Archibald Campbell, brother of David Campbell of Denheid, that James, Earl of Athoill, remains unrelaxed from a horning of 23rd February last for not fulfilling to the complainer his letters obligatory dated 26th and 28th October 1604.—Complainer appearing by James Leslie, decree as above against defender for his non-compearance.

Commission for the Visitation of the University of St Andrews.

The Lords ordain the following royal commission, presented by James, Lord of Balmerinoch, President of his Majesty's Council, to be registered in their Books and to have the strength of an Act of Council in all time coming:—"JAMES R. Whereas it is signifeid unto us that thair is necessitie of visitatioun of the Universitie of Sanct Androis and Colledgeis of the same, alswele for remeiding of suche disordouris as haif laitlie crept into the same, as for taking accompt of the observatioun and keiping of the first lawis and ordinanceis thairof at the first fundatioun of the same, and for punischement of suche as salbe found to haif bene

Acta 1606–7. Page 248. violatteris of the saidis ordouris," therefore commission is given to George, Archbishop of Sanct Androis, Patrik, Earl of Kinghorne, David, Bishop of Ros, James, Bishop of Dunkeld, Andro, Bishop of Brechin, James, Lord Balmerinoch, David, Lord Scone, Sir Robert Melvill of Murdocairny, Sir Thomas Hammiltoun of Monkland, Sir Johnne Leirmonth of Balcomie, and Mr Maull, commissary of St Androis, or any seven of them, the said Archbishop being always one of these, "in visitatioun of the said Universitie, to call and convene the haill maisteris, regentis, and studentis of all the Collegeis within the same before thame, and thair to tak particulair and exact accompt of every ones behaviour and caryage, and to sie all the voyde places providit, and every one according to thair errouris or incres in virtew athir punisched or cherisched, and generallie all and sindrie uther thingis requisite, necessarie, or usuall in the lyke visitationis to do, use, and exerce in all respectis."—The commission is dated at Whytehall, 9th March 1607; and the commissioners are required to meet at St Androis on 5th May next.

Decree against Allaster MacEchane for not finding caution to answer for theft.

Page 249. Complaint by Allaster M°Conile in Aulderne and Johnne Brodie in Lechhill that Allaster M°Echane in the Larg, shire of Invernes, remains unrelaxed from a horning of 28th November 1605 for not finding caution to answer for the theft from complainers of eleven kye and oxen.—Complainers appearing by David Brodie, apparent of that Ilk, there is warrant to the Captain of the Guard to apprehend the defender and inventory his goods for his non-compearance.

Pursuit by Margaret Auchincraw and others of Dundas of Priestsinch for the slaughter of her husband: Process stopped.

Page 250. Complaint by David Dundas of Preistinche, as follows:—Margaret Auchincraw, relict, and the five fatherless bairns, of the late Richart Spence of Chirnesydemaynis, with Sir Thomas Hammiltoun of Monkland, King's advocate, alleging complainer to have been art and part of the slaughter of the said Richart, have charged him to find caution, under pain of rebellion, to answer before the Justice in the tolbooth of Edinburgh on 17th instant. Now, as, in conformity with the Act of Parliament for extinguishing feuds, charge had been given to both parties to appear before the Council to submit their quarrels to arbitration, and as this matter is thus already in the hands of the Council "to be amicablie dressit and packit up," defenders should be content therewith.—Charge had been given to the said Magdallane and to James and David Spenssis, sons of the said Richart, to answer; and now, complainer appearing personally, and defenders by Spence, their procurator, the Lords ordain the Justice to desist from proceedings, so that the course begun for removing this quarrel may be followed out.

Renewal of impost on goods imported and exported at Dundee for upholding the pier and harbour of the town.

The pier of Dundie, "be occasioun of tempestuous wedder, inundatioun of fludis, vehement stormes, grit streames," having become ruinous, "the port and heavin thairof sua fillit with beildis of sand, grite craigis and rolling stanes, the small remanent of the eislair work thairof brocht sindrie and schaikin louse, sua that the samyn almaist appeiris to be utherlie rowynit and subvertit," his Majesty, by his letter under the

privy seal of date 4th December 1600, had authorised the magistrates and council of the burgh to uplift for the space of three years a toust of all and sundry using the said harbour. As the said gift has long ago expired, but has not defrayed half the expenses of the said work, and as the common good of the said burgh is "grittumlie waistit," the Lords renew the said toust and exaction for the space of five years next after the date hereof, thus:—for every ton of goods at the entering or outpassing, 2s.; for every ton of freight at the entry or outpassing, 12d.; for timber imported from Norroway and elsewhere as follows,—one for every 100 joists, one for every 100 rafters, one for every 100 corbals, one for every 100 wainscot, one for every 100 deals, and so on for every kind of timber; for every chalder of victual sold in the said port, 16d. from the merchant, and 8d. from the skipper, and so on for all kind of goods disponed by chalders. Acta 1606–7. Page 251.

Decree for the Earl of Argyle against Harry Stewart for debt.

Complaint by Archibald, Earl of Ergyle, that Hary Stewart of Barskyming remains unrelaxed from a horning of 31st December 1606 for not paying him £1610 as principal and £200 for expenses.—Complainer appearing by Archibald Campbell, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-compearance. Page 252.

Suspension of horning against Hew and Thomas MacConill.

Complaint by Hew M°Coneill, son of David M°Coneill in Craigauld, and Thomas M°Coneill, son of Patrik M°Coneill in M°Claythstoun, as follows:—They have been put to the horn at the instance of George, Earl of Dumbar, treasurer, and Sir Thomas Hammiltoun, King's Advocate, for not answering touching their alleged besieging of the house of Auchinsoull, raising fire therein, and taking dame Marie Fleming, Countess of Cassillis, prisoner. Now, complainers were never lawfully charged; they are most innocent; Johnne, Earl of Cassillis, who was the informer in this matter, and who assisted the defenders in the pursuit, now acknowledges their innocence of the fire-raising, and has consented by his letter that they should be relaxed from the horning; and Josias Stewart of Bonytoun, donator to their escheats, has reassigned the same to them. On these grounds, and because they had found caution, each in 300 merks, to answer to the complaint this day, the said horning should be suspended.—Complainers appearing personally, and Sir Johne Arnot, treasurer-depute, being also present, and the Earl of Cassillis appearing by Gilbert Ros, and the Advocate failing to appear, the Lords, with consent of Ros, do suspend the horning. Page 253.

Edinburgh, 17th March.

Sederunt—Commissioner; Chancellor; Abircorne; Lowthieane; Uchiltrie; Balmerinoch; Blantyre; Bishop of Ros; Halyruidhouse; Master of Elphingstoun; Murdocairny; Quhittinghame; M°Kanzie; Privy Seal; Collector; Mr Petir Rollok; Sir Johnne Arnot.

[No record of proceedings.]

CROYDON PUBLIC LIBRARY CENTRAL

Acta 1606–7. *Sederunt*—Commissioner; Chancellor; Angus; Abircorne; Uchiltrie; Balmerinoch; Blantyre; Bishop of Ros; Halyruidhous; Murdocairny; M^cKanzie; Bruntiland; Collector; Kilsyth; Advocate; Clerk of Register; Sir James Hay; Sir Johnne Arnot; Mr Petir Rollok. Edinburgh, 19th March.

Page 254. Complaint by Mr Thomas Craig, advocate, that Patrik, Earl of Orkney, remains unrelaxed from a horning of 26th March, 1606 for not paying him "foure lastis half last coist," assigned to him in "feall and stipend" by the said Earl yearly for 1602, 1603, and 1604, or else the prices thereof, conform to a decree of the Lords of Council and Session on 2nd March 1605, together with £10 for expenses and 40s. paid by him to the Lords' collector.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend defender and to inventory his goods for his non-compearance. Decree against the Earl of Orkney for debt.

Order that, during "this vacance," the ordinary meetings of the Council shall be held on the Thursday, the Lords to convene soon after eight before noon and to sit till 12 o'clock: they are to begin, God willing, to-morrow at 8 o'clock. Proclamation thereof to be made at the market cross of Edinburgh. Anent the Council days during the vacation.

Page 255. Complaint by William Trumble, younger, merchant burgess of Edinburgh, that Robert Turneble in Denheid remains unrelaxed from a horning of 22nd January last for not paying him 200 merks as principal and £20 for expenses.—Complainer appearing personally, the usual warrant to the Captain of the Guard against defender for not appearing. Decree against Robert Turnbull for debt.

Page 256. Complaint by Adam Menzeis of Enoch, Margaret Lindsay, his spouse, Patrik Hairper and Johne Roy, servitors to the said Adam, as follows:— (1) They have been warned by the presbytery of Drumfreis to answer, under pain of excommunication, for raising the body of the said Adam's bairn out of the kirkyard and burying of it again in his aisle in the kirk of Durisdeir; (2) the said Adam and his spouse have been charged to give confession of their faith before the said presbytery in the kirk of Drumfreis; (3) the said Adam has been charged by the presbytery to answer for alleged "injureing of Mr David Rodger, minister at Carlaverok," and for "allegeit reasoning aganis the religioun, not resorting to the kirk, and ryding in tyme of preitching." Now, the first charge has been already disponed of, the Lords of Secret Council having given liberty to the complainer to "rais the corps of his said bairne and to place the same in the first bureyall within the kirk" (*ante*, p. 315). As for the second charge, complainer and his wife dare not resort to Drumfries, on account of the "grite haitrent and malice" borne to him by Sir James Dowglas of Drumlangrig,—"the said Adam being presentlie in that estaite and conditioun with him that, quhen the said Adam is within the boundis of Nithisdaill, he dar not repair fra his awne house bot upoun the heasard and perrell of his lyff." But, in proof that he is ready to give full satisfaction anent his religion, he has now found caution Menzies of Enoch against the presbytery of Dumfries for unjust prosecution of him on various grounds.

that he and his spouse shall give confession of their faith before the presbytery of Edinburgh when required, and also that he himself shall answer before the said ministers to the third point of the libel.—Charge had been given to Mr Robert Hendirsoun, moderator of the presbytery of Drumfreis, Mr Thomas Ramsay, minister of Drumfreis, Mr George Hereat, minister at Kirkmaho, Mr James Broun, minister at Irnegray, Mr William Oisteane, minister at Penpont, and Johnne Dowglas, minister at Meirtoun, all ministers of the said presbytery, to appear and answer; and now, Menzeis and the Moderator appearing personally, the Lords discharge the presbytery of Drumfreis from all proceeding against the pursuers in the said matters, assign to Adam and his spouse the first Tuesday of May for giving confession of their faith before the presbytery of Edinburgh, and ordain the said Adam's wife and family to repair to their own parish kirk of Durisdeir every Sunday for hearing of the Word. Acta 1606-7. Page 257.

New Commission for removing the disorders among the students of the University of St Andrews, and for settling the Colleges thereof in peace and amity.

In consideration of the continuance of the "grit troublis" in the University of Sanct Androis between the students of Sanct Leonaird's College and those of the Old College (*ante*, pp. 332–3), "to the appeirand wraik, overthraw, and confusioun of the said Universitie, without remeid be providit," the Lords give full power and commission to George, Archbishop of Sanct Androis, David, Bishop of Ros, Johnne, Commendator of Halyruidhouse, Sir Robert Melvill of Murdocairny, Mr Johne Prestoun of Fentounbarnis, Sir Johnne Skene of Curriehill, Sir James Hay of Kingask, Mr William Scot of Elie, and Mr George Young of Wilkiestoun, or any three of them, to repair to the said City and there to "call before thame the maisteris and regentis of the saidis twa Collegeis, with sicke of the studentis and scollairis of the same as ar suspectit to have bene authoris of this trouble and unquietnes, and to tak notice and tryall of the saidis troublis," and to "inflict punischement upoun the personis offendairis be wairding or utherwyse according to the qualitie of the offence, as they sall think guid"; with power also "to settle the saidis Collegeis in peace, concord, and amitye, to remove the present distractioun, eleistis, and emulationis betuix thame, to prescryve and set doun reullis, actis, and ordinanceis how the peace of the saidis Collegeis may be keipit and intertenyit heirefter, and all occasionis of new trouble eschewit and forborne," and also "to caus and sie ane rectour be chosin within the Universitie," and "generallie to do, use, and exerce all and sindrie thingis quhilkis for the peace of the said Universitie salbe necessar." Page 258.

Decree against the Earl of Atholl for debt.

Complaint by James Dalzell, merchant burgess of Edinburgh, that James, Earl of Athoill, remains unrelaxed from a horning of 22nd July last for not paying him 2000 merks as principal and £200 for expenses, and also from hornings of 9th and 12th January last for not paying him £1000 as principal and £200 for expenses, and £1641, 10s. as principal and £200 for expenses.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-appearance.

Acta 1606–7. Page 259.

Complaint by Robert Cairnecors, merchant, burgess of Edinburgh, that Sir James Scot of Abbotishall remains unrelaxed from a horning of 28th February last for not paying him £662, 12s. 8d. as principal, £10 for expenses, and 40s. for the Lords' collector, conform to a decree of the Lords of Council on 3rd January last.—Complainer appearing personally, decree as above against defender. Decree against Scott of Abbotshall for debt.

Complaint by Sir Thomas Hammiltoun of Monkland, King's Advocate, for his Majesty's interest, as follows :—Certain barons and gentlemen in Nithisdaill and Annanderdaill having, conform to his Majesty's commission, passed to the Debateable Lands for surveying part of the same, Waltir Scott of Tuschelaw, Archibald Airmestrang in Flascheholme, Francie Airmestrang, called of Kynmonth, David Armestrang of Woodhouseleis, Johnne Airmestrang of Hoilhous, Hectour Airmestrang of Wodheid, Hectour Airmestrang in Harlaw, Symone Airmestrang in Quhitsyde, Niniane Airmestrang, his son, Cristie Airmestrang in Bankheid, Eckie's Richie Irwing in Stankheuch, Willie Irwing, called the Cang, there, Geordie Irwing, called Carst Geordie, Johnne Airmestrang of Wodheid, Johnne Airmestrang, called of Langholme in Tounscheillburne, Cristie Airmestrang, younger in Glunyard, Johnne Airmestrang in Rowanburne, Blanche Irwing, relict of the late Young Will of Kynmonth, Johnne Airmestrang in Bowholme, Cristie Airmestrang, called of Langholme, Archibald Airmestrang, brother of the late Laird of Mengertoun, Archibald Airmestrang, called the Merchant, in Thornyquhattis, Thomas Johnnstoun, younger of Finglend, William Irwing of Kirkconnell, William Irwing, his son, Johne Airmestrang of Calffeild, Fergie Grahame of Cannabie, James Irwing called of Capilgill, James Airmestrang, called of Howgilsyde, Geordie Irwing, called Gib's Geordie, Johnne Irwing in Hag, Sym Airmestrang in Todilwode, Johnne Airmestrang of Lyn, Ingrie Scot, called "Stowre in Noking Trouchsyde," Wat Quhyte in Brounscheilboig, Thomas Airmestrang of Howgilsyde, Richie Irwing in Auchinriffeck, Johnne Irwing, called Gib's Johne, Cristie Irwing, called Gib's Cristie, Thomas Irwing in Hag, Johnne Irwing in Sykheid, Thome Airmestrang in Harlaw, George Dikra in Thornyquhattis, Andro Dikra there, Thomas Currour there, and George Litle there, "preferring thair bigane unhappie trade and forme of leving in stouth, reif, and maisterfull oppressioun to that civile and modest forme quhilk his Majestie intendis to establesche in the saidis boundis, and being laith that ony peciable and ansuerable subjectis sould have place or residence amangis thame," convocated themselves in arms, came to the said lands, and "be way of deid" opposed themselves to the execution of the said commission, so that the commissioners were constrained to depart and "gif place to thair insolence." —Charge had been given to the defenders to answer ; and now, pursuer appearing personally, and said Johnne Airmestrang of Hoilhous, Johnne Airmestrang of Wodheid, Blanche Irwing, James Airmestrang of Gowgilsyde, Thome Airmestrang in Harlaw, Niniane Airmestrang of Quhithesyde being also present, but none of the other defenders, the order is to denounce the absentees as rebels. Certain Borderers denounced for obstructing his Majesty's Commissioners while surveying the Debateable Lands.

Page 260.

Act in favour of the Treasurer and Treasurer-depute anent the payment of their super-expenses in the office of Treasury.

Complaint by George, Earl of Dumbar, treasurer, and Sir Johnne Arnot, his depute, as follows:—His Majesty, having regard to the great sums superexpended "be the necessar debursementis of thair office," and "thairwithall carying a moist princelie dispositioun to sie thame satisfeit," had directed his precept, of date 15th September 1604, to David, Lord of Scone, comptroller, commanding him to pay to the said depute £2222, 4s. 6d. monthly out of the customs on wines and wares arriving in this kingdom till the said superexpenses should be paid. The Comptroller had accepted the precept, as his acceptation dated 18th October 1604 shows, and had commanded Robert Arnot, his depute, to satisfy the said precept. Moreover, for farther assurance of payment, the Comptroller, by his precept to the tacksmen of the customs, of date 19th December 1605, had ordered them to pay to Sir Johnne the said sum monthly till he should be completely satisfied. It is represented, however, that, for the complainer's farther security and the Comptroller's better warrant, complainers ought to have a decree of the Council against the Comptroller and the tacksmen for payment of the said monthly sum.—Charge had been given to Robert Arnot, comptroller depute, Mr Jerome Lindsay, Archibald Prymrois, James Neisbitt, Isack Moresoun, George Smailholme, and Mr Robert Lindsay, tacksmen of the customs, to answer; and now, Sir Johnne Arnot and the defenders appearing, the Lords decern the defenders to pay to Sir Johnne the monthly sum abovewritten till the said superexpenses be satisfied, beginning the first month's payment in April next, and ordain them to prefer him to all other creditors, "saif onlie his Majesteis Guardis." Acta 1606–7. Page 261. Page 262.

Edinburgh, 24th March.

Sederunt—Commissioner; Chancellor; Scone; Blantyre; Master of Elphingstoun; Halyruidhouse; Murdocairny; Privy Seal; Collector; Clerk of Register; Sir Robert Melvill, younger; Sir James Sandielandis.

Thanks of the Council to his Majesty for his care of this kingdom in the mattter of the Union.

"The quhilk day the Lords of Secrite Counsale hes thocht meit, necessar, and expedient that James, Lord of Balmerinoch, president of his Majesteis Counsale, salbe directit and send up to his Majestie, to present unto his Heynes thair maist humble thankis for the cair quhilk his Majestie hes had of this his Heynes ancient and native kingdome in the subject and treatie of the Unioun, and to offer unto his Majestie thair simple judgementis and opinioun anent the mater of the Unioun; and ordanis him to have allowance of two thousand pundis out of the controllarie for his chargis and expenssis."[1]

Edinburgh, 26th March.

Sederunt—Commissioner; Chancellor; Caithnes; Lowthiane; Tullibardin; Balmerinoch; Scone; Uchiltrie; Balcluch; Blantyre; Halyruidhouse; Master of Huntlie; Master of Lowtheane; Master of Elphingstoun; Privy Seal; Advocate; Collector; Quhittinghame; Sir Robert Melvill, younger; Mr Petir Rollok; Sir Johne Skene; Sir Johne Arnot; Sir James Sandielandis.

[1] Connect with this letters of 3rd March and 17th March 1607 among *Royal and Other Letters.*

Acta 1606-7. "The quhilk day the Lordis of Secrite Counsale haveing red, hard, and considerit his Majesteis missive letter direct unto thame anent the quieting of the Illis, and George, Marques of Huntlie, to quhome the chairge of quieting of the North Illis is ordanit to be commitit be his Majestie, being present and hard in this mater, and some verbale discourssis being past betuix the saidis Lordis and him thairanent, in end it was thocht meit be the saidis Lordis that, for the bettir formalitie to be keipit in this proces, certane questionis sould be given to the said Marques in write, to be answerit be him in write, to the effect the same mycht be extant and
Page 263. furthcumand in all tymes heirefter as the necesitie sall require: of the quhilkis articlis the tennour followis:—

Articles proponed by the Council to the Marquis of Huntly for reducing North Isles to obedience: The Marquis's Answers to the said Articles, and his Offers for the said service: Observations and criticisms of the Council thereon.

Articlis proponed be the Lordis of Secrite Counsale to the Marques of Huntlie anent the Illis, quhairupoun they desyre a direct ansuer in write.

For his Majesteis pairt.

That the Ilis and inhabitantis thairof be maid obedient and ansuerable.

That his Majestie have a constant and suir rent to be payit to his Hienes yeirlie out of the Ilis.

For the Marques pairt.

1. Quhat Ilis he desyris to be gifted to him and will promeis to mak ansuerable and obedient.

2. Quhat yeirlie dewtie his Lordship will pay for the saidis Ilis.

3. Quhat conditionis he will crave of his Majestie for reduceing of thir Ilis and the awnairis and possessouris thairof to obedience.

4. Within quhat space his Lordship will tak in hand to effectuat this service.

The Marques of Huntleis Ansueris to the Articlis proponed and deliverit to his Lordship in write be the Lordis of Secrite Counsale anent the Ilis.

1. He cravis a securitie to be maid to him of the Ilis of Ust, Eg, Canna, Rume, Barra, Rasa, and Hirtha, with all the rest of the North Ilis, except the Sky and the Lewis.

2. His Lordship offerris to pay for thir Ilis the haill auld dewtie that wes payit for the same at ony tyme heirtofoir.

3. His Lordship cravis ane exemptioun for payment of the said dewtie for the space of nyne yeiris, with a commissioun of lieutennandrie fra Die north, and chairgeis aganis these boundis to assist his Lordship in the executioun of that commissioun, and that the same commissioun indure the space foirsaid of nyne yeiris; alsua he cravis of his Majestie a pynnage for his bettir furtherance in the service.

His Lordship offeris to mak the Ilis foirsaidis ansuerable and obedient within the said space of nyne yeiris.

The Marquis of Huntly and the North Isles.

Gif his Majestie thinks ony of thir conditionis hard, he is content that the same be reformed and mitigat be his Heynes, and his Lordship will conforme himselff to his Majesteis pleasour in all thingis. Acta 1606-7.

Quhilkis ansueris being hard and considerit be the Lordis of Secrite Counsale, they find some of thame to be verie generall, some to be grevous to the country, and some to be prejudiciall to the prosequutioun of this service; quhairupoun they ordane that a letter salbe writtin in thair names to his Majestie, schawing unto his Heynes thair opinioun anent the saidis ansueris as followis:—

Anent the payment of the auld dewtie, they think that offer a generall and uncertane offer, seing the North Ilis wer nevir rentallit nor undir a perfyte obedience, saufing onlie the half of the Ile of Ust, quhilk being rentallit to sex score of pundis, all that the Marques seamis to offer for the haill will onlie extend to thrie hundreth merkis, including thairin the saidis sex score of pundis, and thairfore they think that thir Ilis sould be rentallit in portioun and availl ansuerable to the South Ilis, and that a particular offer and dewtie sould be maid for everie Ile *nomine feudifirme*, seing they ar of the annext propirtie, to the effect his Majestie may be assuired of a constant and suir rent. Page 264.

Anent the exemptioun fra payment of the dewtie for nyne yeiris, the Lordis thinkis the same to be unreasonable, seing the Gentilmen of the Lewis had onlie ane exemptioun for twa yeiris, albeit the service quhilk they tuik in hand wes mair hard and difficle, and they war of les power, credite, and freindschip to effectuat the same.

Anent the lieutennandrie, they think it lykewise unreasonable that the Kingis power sould be put in the handis of a subject to conqueis landis to himselff, and, seing he gettis the landis for rewaird of his service, he sould execute that service upoun his awne proper chairges: and, forder, this commissioun will be verie grevous to the cuntrey, and the inconvenient quhilk the cuntrey will sustene be that commissioun will fer surmont ony commoditie quhilk thairby will redound to the Prince; and the Gentilmen of the Lewis, who, in power, moyane, freindschip, and credite were inferioure to the Marques, socht na commissioun.

Anent the pynnage, seing the Marques clames that as ane promeis maid be his Majestie, the Counsale remittis that to his Heynes selff.

Anent the terms for putting of ane end to this service, the Lordis thinkis that tendis to a plane delay and mantenance of the Ilismen in thair rebellioun, and will gif thame occasioun to mak yeirlie provisioun for thair defence, and the Counsale thinkis, gif the Marques be weill willing, that he may effectuat this service within a yeir.

The Lordis appointis the last day of Aprile nixt to cum to the Marques of Huntlie, to come heir and to ressave ane ansuer to the ansueris abone-written gevin in be him."[1]

[1] Connect various letters of March 1607 among the *Royal and Other Letters.*

Acta 1606–7. Complaint by Barbara Cranstoun, relict, Margaret Tait, daughter, and the other kin of the late Robert Tait of Composlak, that Stevin Scott in the Stow remains unrelaxed from a horning of 31st January last for not finding caution to answer before the Justice for the slaughter of the said Page 265. Robert in April 1581.—Margaret Tait appearing personally, there is warrant to the Captain of the Guard to apprehend the defender and inventory his goods for his non-appearance. Decree against Stephen Scott for not finding caution to answer for slaughter.

Complaint by David Scheill, servitor to David, Master of Crawfurde, that, by the "moyane and informatioun" of David Lindsay of Balgayis, he has been confined for more than a year in the tolbooth of Edinburgh for the slaughter of Sir Waltir Lindsay, father of the said Laird, and that, though he is most willing to underlie the laws for the said crime, the said Laird "maist maliciouslie" detains him still in ward and will not pursue him for the slaughter, so that complainer is reduced to great misery.—Complainer appearing by , and David Lindsay by Mr Andro Aytoun, the Lords assign to the defender 24th April next for the pursuit of the complainer, with certification that, if he fails, command will be given to the bailies of Edinburgh to release the complainer. Diet assigned to Lindsay of Balgays for the trial of David Sheill, accused of slaughter.

Page 266. Complaint by Sir Johnne Lindsay, apparent of Kinfawnis, that Sir William Auchterlony of Kellie remains unrelaxed from a horning of 27th February last for not paying him 1000 merks as principal and 100 merks for expenses.—Complainer appearing personally, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-appearance. Decree for Sir John Lindsay against Sir William Ochterlony.

Caution in 3000 merks by Sir Harie Lindsay of Kinfawnis for James Lindsay, brother of David Lindsay of Querrelhill, and sometime page to Alexander Dumbar of Westfeild, sheriff of Murray, that he will answer when required to the complaint of Dorathie Dumbar, Lady Westfeild, touching certain "practizeis" between him and the said sheriff for the "defloring of the said Dorathie."—This Act is discharged, because the Laird of Kinfawnis presented James Lindsay before the Council on 25th June: J. Prymrois. Caution for James Lindsay.

Sederunt—Lowthiane; Scone; Blantyre; Master of Lowthiane; Halyruidhous; Privy Seal; Collector; Sir James Sandielandis; Sir Johnne Arnot. Edinburgh, 30th March.

Page 267. As the Provincial Assemblies of Angus and Meirnis, Fyff, and Perth, are now shortly to be held,—"quhairat divers materis concerning the estate of the Kirk ar to be intreated and handlit," and as "in all preceiding provinciallis his Majestie hes evir had his Heynes awne Commissionairis, who assisted these meittingis with thair counsale, avise, and opinioun," and as it is "verie necessar and expedient that [in] all thir Provinciallis foirsaidis his Majestie likewayis have his Commissionairis," the Lords ordain Patrik, Earl of Kinghorne, Sir James Skrymgeour of Dudhop, Commissioners appointed to represent his Majesty in certain Provincial Synods of the Kirk.

Constable of Dundie, and Carnegy of Kynnaird, to be Commissioners Acta 1606–7.
for the provincial of Angus and Meirnis; James, Lord Lindsay, David, Lord of Scone, Johnne, Commendator of Halyruidhous, Mr Johnne Prestoun of Pennycuke, collector, and Mr Johnne Leirmonth of Balcomie, to be Commissioners for the provincial of Fyff; said Scone and Halyruidhouse, and Murray of Balvaird, and George Affleck of Balmanno, to be Commissioners for the provincial of Perth: with power to the said Commissioners to "meit with the bretherine to be assemblit, and to reasoun, confer, treat, voit, and conclude in all sic materis as sal happin to be proponit, motioned, and intreated at the saidis provinciallis, and, in his Majestie name, to propone sic articles and heidis as ar gevin to thame in credite, and to urge the obedience of the same, and generally all and sindrie thingis to do and use quhilkis for his Majesteis service ar requisite and necessar."[1]

[1] This order of the 26th of March 1607 takes us back to the subject of the Constant Moderatorships of Presbyteries instituted by the Linlithgow Convocation of December 1606 (see *ante*, pp. 282–284, 297–302, 312, with footnotes).—The agitation on that subject, which had been constantly increasing through the last three months, had now come to a crisis. Calderwood's account (vi. 644) is as follows:—"In this moneth of Marche manie Presbytereis were charged under paine of horning to admitt their moderators. Some obeyed willinglie; others yeelded for feare. Some refused, and tooke instruments that, if the person appointed would enter to that office, it was violent dealing and without their consents,—as the Presbyterie of Perth. Others utterlie refused, and were putt to the horne. . . . Others admitted, but bound their moderator by oath and subscriptioun to demitt his office whensoever they pleased,—as the Presbyterie of Dunfermline. . . . The Presbyterie of Perth was straitlie urged by the Comptroller, Lord Skoone, the Lairds of Balvaird and Balmanno, to admitt Mr Alexander Lindsay, now Bishop of Dunkeld, to be their moderator. They refused till they should see the Act [of the Linlithgow Convocation]. They promised to use diligence to obteane the sight of it; but nather could it be had of the moderator nor clerk of that meeting at Linlithgow [see *ante*, p. 302, footnote]. And, albeit Mr James Nicolsone, moderator of that meeting, came to Perth that day when they [the Presbytery] were most straitted, yett nather would he promise to extract the Act to them, nor yett would he tell them the contents; whereupon they were forced—after Mr Alexander, being charged with letters of horning, tooke on him the office—to take instruments of his unlawfull forme of entrie. The man who had taikin in hand to charge them with letters drownned himself, or was drownned, within a few days after."—The complaint everywhere among the Presbyteries was that they were charged to obey an Act the authentic copy of which had not been published, could not be seen, and was not procurable (see *ante*, p. 283, footnote). But the agitation was now rising out of the mere Presbyteries into those higher half-yearly meetings of the clergy of whole shires or districts which were known as the Provincial Synods. The Synod of Lothian, Calderwood tells us (vi. 644–645), met in this same month of March, and had an encounter on the subject with Lord Blantyre, Lord Advocate Hamilton, and Collector-General Preston, who appeared in the Synod on the part of the Privy Council. These Commissioners complaining that all the Presbyteries of the Synod had not yet accepted their appointed moderators, and requiring the Synod to see the defect repaired, "it was answered that [the Presbyteries of] Edinburgh, Dumbar, and Linlithquo had satisfied the King's Commissioners who were severallie directed to them to that effect, but [the Presbyteries of] Peebles, Hadintoun, and Dalkeith had not done it, in respect they had not gotten an inspectioun of the Act made at Linlithquo foresaid."—It was in view of what might occur in three others of the Provincial Synods, then about to meet,—to wit the Synods of Angus and Mearns, Fife, and Perth,—that the present Act of Council was passed. Three Commissioners were to go to the Synod of Angus and Mearns in his Majesty's name, to overawe that Synod; five to the Synod of Fife; and four to that of Perth. Comptroller Lord Scone, it will be observed, who had already appeared as one of the Commissioners in the Synod of Lothian, was to be on two of the new Commissions.

Acta 1606-7.

Sederunt—Chancellor; President; Blantyre; Halyruidhous; Master of Elphingstoun; Kilsyth; Advocate; Mr Petir Rollok; Sir James Sandielandis; Sir Johnne Arnot. Edinburgh, 2nd April.

Decree against Francis Johnstone and others for not finding caution to answer for assault.

Complaint by Edward Maxwell of the Ile that Frances Johnnstoun in Preistwodsyde, Johnne and Thomas Johnnstonis, his brothers, there, Johne Johnnestoun of Reidhall, David Johnnstoun in Boigedge, Gawin Johnnstoun in Cowartisholme, and Will Bell, called Craig's Willie, *alias* "Craig in Perrell," remain unrelaxed from a horning of 11th July 1606 for not finding caution to answer for assaulting complainer with drawn swords, giving him twelve deadly wounds, "tirveing of the said complenair of his haill clothing and leving him upoun the ground naiked for deid."—

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Charge had been given to the said Frances, David, Gawin, and Will to answer; and now, complainer appearing personally, but none of the defenders, there is order to the Captain of the Guard to apprehend them and inventory their goods.

George Gordon of Gight and a servant of his warded for the observance of popish rites at the funerals of the late Lady Gight and the late Laird of Gight.

Action by Sir Thomas Hammiltoun, King's Advocate, for his Majesty's interest, as follows:—Notwithstanding the Acts of Parliament against "superstitious and popische rates," yet, at the burial of Issobell Auchterlony, Lady Geycht, in 1604, David Wilson, tenant of part of the lands of Geycht, by command of George Gordoun, now of Geycht, the said Lady's son, "careyed ane crucifix upoun ane speir immediatelie before the corps of the said umquhill Issobell the haill way to the place of hir buriall"; and again, in 1605, at the burial of William Gordoun of Geycht, George Crawford, now servitor to Hay of Urie, of the special causing of the same George Gordoun, bore a crucifix on a spear in the same way: the said George being present on both occasions and assisting at this "super-

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stitious and popische custome."—Charge had been given to George Gordoun, David Wilsoun, and George Crawfurd, to answer; and now, pursuer appearing, but none of the defenders, the Lords, after hearing the depositions of certain witnesses, find the libel proved against Gordoun in both points, and also the charge against Crawfurd, and therefore ordain both to enter in ward in the Castle of Edinburgh within 15 days after being commanded, under pain of rebellion.

To denounce Archibald Armstrong and others for obstructing the surveyors of the Debatable Lands.

Charge had been given, at the instance of Sir Thomas Hammiltoun, King's Advocate, to Archibald Airmestrang in Flascheholme, William Irwing of Kirkconnell, elder, William Irwing of Kirkconnell, younger, Thomas Johnnestoun, younger of Fingland, and Johne Armestrang in Rowanburne, to answer this day for having opposed the Commissioners appointed by his Majesty to survey part of the Debateable Lands (*ante*,

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p. 339); and now, the Advocate appearing, but none of the defenders, the order is to denounce them rebels.

Suspension of horning against Alexander Stewart.

Complaint by Alexander Stewart, son of James Stewart of Tynnes, that he has been put to the horn at the instance of James Pringle, apparent of Buckholme, Johnne Pringle of Tynnes, James and Thomas Pringlis, his brothers, for not finding caution for their indemnity. As he

had never heard of the charge till long after his denunciation, and has now found the caution required, the horning should be suspended.—Complainer appearing, but none of the defenders, the Lords do suspend the horning. Acta 1606–7. Page 271.

Decree against David Ochterlony for debt.

Complaint by Andro Gray, burgess of Dundie, that David Auchterlony, burgess of Abirbrothok, remains unrelaxed from a horning of 29th January last for not paying him £560 as principal and £100 for expenses. —Defender failing to appear, there is warrant to the Captain of the Guard to apprehend him and inventory his goods.

Edinburgh, 3rd April. Commission anent the acts of oppression committed on Lord Gray by his son the Master of Gray.

Letters to the Council from his Majesty set forth that Patrick, Lord Gray, has "havelie complenit" to his Highness against his son, the Master of Gray, for not only having brought his wife and family into the said Lord's house, "consumeing thairby all that mean portioun that he had reservit for his awne mantenance," and intromitting with his maills, fermes, and duties, but also "preising verie unnaturallie to accelerat his faderis gray hairis to the grave with sorow," by the removal of all his "auld servandis and domesticquis," and the substitution of others "whose service noway gevis the auld man ony contentment." The Lords, therefore, by his Majesty's direction, give commission to Johnne, Commendator of Halyruidhouse, to repair to Lord Gray's house and there to inquire into the said matters, with power to remove all persons "grevous and burdynsome" to the said Lord, and to discharge the Master of Gray from melling with any part of the rents reserved to his said father in the contract made between them. The commissioner is to report his proceedings to the Council. Farther, by his Majesty's "speciall directioun," the Lords ordain the Master of Gray to be charged, under pain of rebellion, within 15 days after the charge, to remove himself, his wife and family, furth of the said house, and to restore to his father all rents for intromission with which the Master had no warrant. Page 272.

Edinburgh, 9th April.

Sederunt—Chancellor; Linlithqu; Lowtheane; Privy Seal; Advocate; Bishop of Ros; Quhittinghame; Sir George Douglas; Sir Johnne Arnot. Page 273.

William and George Hepburne committed to ward for their trial on an old charge of rape.

Complaint by Sir Thomas Hammiltoun, King's Advocate, for his Majesty's interest, and by Agnes Mauchane, relict of George Carkettle, burgess of Edinburgh, Hary Drummond, now her spouse, Margaret Carkettle, daughter of the said George, and Archibald Hammiltoun of Bairfute, her spouse, that, Williame and George Hepburnis, sons of Patrik Hepburne of Newmylnes, having been put to the horn for not answering touching their "ravisching" of the said Margaret, and having obtained suspension of the horning by finding their said father caution in £200 for their compearance before the Council upon 15th July 1603, the case has been suffered as yet to "sleip and ly over undiscussit."—The Advocate, Margaret Carketle, and her spouse appearing, and the said William and

Acta 1606-7. George being also present, the Lords ordain the defenders to be committed to ward in the tolbooth of Edinburgh, in order to their trial for their said crime.

Page 274. There being "some variance" between Mr James Home of Ecclis, on the one part, and Andro Haitlie, brother of the late Haitlie of Mellirstanes, Henry Haitlie, brother-son of Andro Haitlie of Sneip, Alexander Haitlie of Lambden, Johnne Haitlie, his brother, Alexander Haitlie of Hordlaw, Alexander Haitlie in Halyburtoun, Andro, Leonard, James, and Johnne Haitleis, his brothers, Robert Haitlie of Plewland, Archibald and Alexander Haitleis, his brothers, David Lumisdan of Blanarne, Johnne Mow of that Ilk, James and Mowis, his brothers, Johnne Haitlie, son of the late Mark Haitlie, sometime in Smellum, on the other part, there is order to command both parties to subscribe, within six hours after the charge, under pain of rebellion, mutual assurances, to endure till 1st April 1608. Charge for assurance between Home of Eccles and the Haitlies.

His Majesty, "being myndit, with avise of his Estaittis of Parliament of boith kingdomes, to unite thir twa famous kingdomes undir his Majesties royall crowne and sceptour and to remove all markis of separatioun betuix the same," has, "in the meantyme of the treaty of this Unioun, and for the bettir introductioun of the same," commanded that "during the said treaty no custome salbe tane for the commoditeis transported from the ane cuntrey to the uther, bot that the mercheantis, awnairis, and transportairis of the same sall onlie find cautioun for payment of the said custome in cais the said treaty tak not effect." Accordingly, the Council discharge the comptroller and tacksmen of the customs from uplifting any custom on goods exported from this country to England or imported thence, and order them to be content with the said caution. No custom to be taken in the meantime on goods passing between England and Scotland.

Page 275. Complaint by Alexander Gairdner, tailor, burgess of the Cannogait, that Johnne Ferrie, burgess of Edinburgh, remains unrelaxed from a horning of March last for not paying him £48 of North Brittayne as principal and 40s. for expenses.—Complainer appearing, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-compearance. Decree against John Ferrie for debt.

"Forsamekle as, David, Lord of Scone, Comptrollair to oure Soverane Lord, being nominat and appointed commissionair for his Heynes to the Synode of Perth, with speciall commissioun and instructionis to urge the obedience and conformitie of the said Synode to be gevin to the Actis and conclusionis of the Assembley of Linlithqu, and to ressave a Moderatour for the said Synode furth of the lytis gevin in to thame, as alsua to nominat a Moderatour for the prisbiterie of Auchterardour, in place of the last Moderatour, quhome it hes pleasit God to call to his mercy frome this mortall lyff, the bretherine of the said Synode not onlie refused all obedience and conformitie to be gevin to the statutis and conclusionis of the said Assemblie of Linlithqu, and to gif his Majestie satisfactioun in the nominatioun of ane Moderatour for the said Synode, and of a Charge to ministers of the Synod of Perth to answer for obstructing Lord Scone, as Commissioner to that Synod, and for refusing to accept a Moderator nominated for the Synod and to appoint a Moderator for the Presbytery of Auchterarder.

Moderatour for the said prisbiterie of Auchtirardour, bot with that they haif gevin a speciall directioun to the ministeris of the prisbiterie of Perth to discharge Mr Alexander Lindsay, who wes nominat Moderatour of that prisbiterie be the said Assemblie of Linlithqu, and wes ressavit and admittit be the said prisbiterie, and who acceptit the chairge upoun him,—quhairby thay haif verie heichlie contempnit his Majestie, and done quhat in thame lay to undo that quhilk wes concludit be sa famous a nomber of the ministerie convenit at the said Assemblie, and assisted be a grit nomber of his Majesteis Counsaill and Nobilitie: Thairfore the Lords of Secrite Counsall ordanis letters to be direct chairgeing the ministeris undirwrittin, not exceiding the nowmer of ten,—they ar to say, Acta 1606-7. Page 276.

,—to compeir personally befoir the saidis Lordis of Secrite Counsale upoun the day of Aprile instant, to answer to sick thingis as salbe demandit of thame tuitcheing the disobedience of the ministeris of the said prisbiterie in conformeing thameselffis to the ordinance of the said Assemblie of Linlithqu, and anent thair refuseing to ressave the said Moderatour and geving directioun to the prisbiterie of Perth to dischairge thair Moderatour, undir the pane of rebellioun."

Charge to the Presbyteries of the Synod of Perth not to execute certain acts passed by that Synod.

As the brethren of the Synod of Perth, besides disobeying in the manner just specified, "haif altogidder misknawin his Majesteis said commissionair," and, without his advice or concurrence, made "sindrie actis and conclusionis," in contempt of his Majesty, and to the detriment of what was concluded in the famous Assembly of Linlithgow, thus giving "a verie evill example to utheris Synodis," the Lords of Council ordain letters to "chairge and inhibite the haill ministeris of the prisbitereis of the said Synode that they on nawyse presume nor tak upoun hand to acknawlege or put in executioun ony of the actis and conclusionis of the said Synodoill Assemblie, bot suffer the same to stand over as suspendit quhill his Majesteis will and pleasour be had thairanent, as they and every ane of thame will ansuer to his Majestie upoun thair obedience at thair heichest perrell."

Charge to the ministers of the Presbytery of Perth to acknowlege Mr Alexander Lindsay as their Constant Moderator.

"Forsamekle as Mr Alexander Lindsay, minister, being nominat and appointed be [the] Generall Assemblie haldin at Linlithqu in the moneth of December last to be Constant Moderatour for the prisbiterie of Perth, and the ministeris of the said prisbiterie, according to the said nominatioun and for obedyence of his Majestie and Counsale, haveing ressavit and admittit the said Mr Alexander for thair Constant Moderatour, and he Page 277. having acceptit the chairge upoun him, and haveing usit and exercit the same, and nothing being expected bot a dewtifull conformitie and obedyence to haif bene gevin to the said nominatioun: nevirtheles the Lordis of Secrite Counsale ar informit that, the tyme of the lait Synode of Perth, haldin within the burgh of Perth, the ministeris thair assemblit hes, on thair pretendit maner, gevin chairge and directioun to the ministeris of the said prisbiterie of Perth to dischairge the said Mr Alexander of his moderatourschip, and to nominat ane uther in his rowme, quhairby as they have usurpit upoun thame ane

Acta 1606–7. verie grite authoritie, to undo that quhilk wes sa solempnelie conclu lit be ane famous nomber of the commissionairis of the maist pairt of the presbitereis of this kingdome, assisted be a grit nomber of his Majesteis Nobilitie and Counsale, sa thay have verie heichlie contempnit his Majestie and gevin example to utheris prisbitereis to do the lyke, without remeid be providit. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct to command and chairge the ministeris of the said prisbiterie of Perth to acknawlege and obey the said Mr Alexander in all thingis concerning the said moderatourschip, and to concur and convene with him oulklie at thair ordinair place and tyme of prisbiterie for that effect, and that they on nawyse presume nor tak upoun hand to mak ony uther nominatioun, or to dischairge the said Mr Alexander, undir the pane of rebellioun; and to inhibit the ministeris of the said prisbiterie that nane of thame tak upoun hand to accept the said office and chairge of moderatourschip upoun thame, nochtwithstanding quhatsumevir nominatioun or electioun maid to that effect, bot that they suffer the said Mr Alexander to use and exerce the said office, conforme to his nominatioun, undir the pane of rebellioun."[1]

[1] From the cluster of three entries of which this is the last, it will be seen that the anticipation, fourteen days before, of opposition by certain Provincial Synods of the Kirk to the King's will in the matter of the Constant Moderatorships had turned out correct, as regarded at least one of the Synods then in view (*ante*, pp. 343–344, and footnote). This was the Synod of Perth. To understand the present entries, it is necessary to know what had occurred in that Synod at its meeting on the 8th and 9th of April. There are narratives of the proceedings, from the Presbyterian point of view, in James Melville's *Autobiography* (pp. 701–705) and Calderwood's *History* (vi. 645–653). The first, as the more succinct, may be quoted here:—"The Synod of Perth hauldin within the kirk thairoff. Mr William Row [moderator of the last Synod] maid the doctrin upon the 7th of Amos, concerneing the bisschopis of Bethel; quhairin he solidlie and touchingly handlet matteres present. The Lord of Scoone, Commissiouner from the King, desyrit the assemblie to stay a quhill upon him till he might be at leasur eftir dinner; but they, keipeing the order, proceidit to the electioun of the moderator [for the present Synod]; and, haifing gatherit the voitis of tua Presbytries, word goes to my Lord,—quho, cumming in haist, complanit they had done him wrong that stayed not till he had produceit his commissioun. It was ansuerit that the moderator, quhois office it wes to ressaive commissiounes, wes not yit chosin, and thairfoir [they] would proceid. He began to boast [*i.e.*, threaten] that he would stay and dischairge the assemblie if they would not reid his commissiounes; quhairof he had tuo,—the one from the Counsel to himself, the Lord Halirudhous, the Lairdes of Balwaird, Balmanow [*ante*, p. 344], and ane uthir from his Majestie to him and Mr James Nicolsoun, who was not present. The [latter] commissioune bure to sie four constant moderatoris of the Presbyteries put on leit [for the moderatorship of the present Synod], according to the Ordinance of the Generall Assemblie [at Linlithgow in the preceding December: *ante*, pp. 282–4, footnote]. The assembly craivit the sight of that Act; quhilk could not be produceit, and thairfoir they could give no answer thairto. Moirovir, they schew that diverse of thair number quho wer at the Conventioun of Lithgow declairit that they hard no sic a thing mentionnit, let be [*i.e.*, much less] inactit [as a regulation that moderators of Provincial Synods should be chosen from a leet of the constant moderators of the Presbyteries]: only Mr Alexander Lindsay (eftir a Bischoppe) said 'It wes anis castin in at the tail of ane uthir matter, he knew not how.' One askis him 'Iff confusitlie?' 'Yes,' couth he. Quhilk gaiff ane occasioun of lauchter, that sic confussioun sould trouble thame. Quhen all this wes done, Scoone wald not suffer thame to proceid. Howbeit, in all humilitie and sober maner, they intreitit him not to disturbe the meittingis of God's servants, nor bring sic a scandel on the cuntrie, and sua upoun himself, yit he persistit, and usit menaceing and boasting,—repeiting evir they should not make Lawristoun of *him* [see *ante*, pp. 82–85,

Decree against Lauder of Halhouse for debt.

Complaint by Samuell Blaikburne, merchant, burgess of Edinburgh, that James Lawder of Halhous remains unrelaxed from a horning of 10th March last for not paying him 1000 merks as principal and £100 for Acta 1606-7.

footnote]. The assemblie, weiriet, referrit him to tak advysment that nicht to a better resolutioun, offerit any of the breitherin he pleisit to conferr with him; and, after humble prayer to God, with great earnestnes and motioun for strenth and courage, they dissolvit.—Upone the morne Scoone wes cum worse, and would neidis dischairge the assemblie, affirmeing that he had power so to doe; and so bringis in his secret commissioun, givin to him and a 'Reverent Father, James, Bisschop of Dunkeld.' This wes Mr James Nicolsoun; quhom to heir so nameit the assemblie wes all astonied, and cryeit out 'It wes not credibil that that man, quho had bein so farr againes that corruptioun all his tyme, and utterit himselff so to be at the Conventioune of Lithgow last past, quhair he was moderator [*ante*, p. 283, footnote], sould carie that title and stile; or, iff he did, it did not become a Reverend Father to reverence the Kingis Majesties commandement in assisting and overseeing that assemblie.' Yit the commissioun wes red, beiring that they sould tak heid that thair sould be nothing done in that assemblie contrair to the Kingis Majesties intentioun, and that the thingis done at the Generall Assemblie conveinit last at Lithgow sould be obeyit and na wayis impugnit; else they sould oppone thamselffis thairto. And, thairfoir, sieing they would proceid in the contrair, he would dischairge the assemblie. —They schew him he had no warrand, and his commissioun cariet no such mater. If it sould pleis him to mak oppositioune by reassoune, it sould be answerit or obeyit. The questioun wes thairfoir movit quhither they sould proceid according to the old maner [of electing their moderator] establischit by law and custome, or alter according to the alledgit new Act, quhilk wes justlie doubtit of and could not be produceit. It wes concludit by uniforme consent of thame all, except ane singular man, Archibald Moncreiff, that they should keipe thair old forme. Quhereat Scoone ragit without reassoun, cryeing for the bailyies [of the town] to remove thame. They, nothing movit at his boastis, first askit his conjonit commissioneris foirsaid if it wes thair will to dischairge the assemblie. They answerit they had no such commissioune. Nixt, they gravely chairgit Scoone, in the name of the Lord Jesus Chryst, by quhois power and auctoritie they wer conveinit, not to truble that meitting . . . . But he in a furie, knocking on his breist, exclaimit 'Thair is no Jesus heir' [Calderwood gives the words as—"The devill a Jesus is heere"] . . . . At last he beganne to use violence, and to pull the catallogue out of the moderator's [Mr William Row's] hand; quho said to him 'Ceis, my Lord: we will not be boistit [prevented by violence] from doing of our office under the Lord Jesus Chryst . . . . So, notwithstanding he raigit, the moderator [the new moderator for the present Synod] wes chosine,—Mr Henrie Livingstoun. Quhom Scoone preissit [exerted himself] to haif had out of the chyre, sitting doune himselff in the same, and dischairging Mr Henrie from using that office. Quho answerit, He wes chosine and chairgeit thairto by a greatter, evin the voyce of Chrystis Kirk, quho wes Chrystis awin voyce, and thairfoir would obey Him. As for the chyre, and high place or heid of the boord, it wes a thing indifferent: let his Lordschip keipe it: he would sit at the table amongis his brither. Then Scoone commandit his men to pull away the burd [table]; and, the moderator with the britherin goeing to prayer according to the order, Scoone disturbes them, preissing to overthrow the tabill upoun thame, pulling away the stulis, and cryeing for the baillies, lyk ane mad man. Nochtwithstanding, they enterit into prayer, and with great motioun continowit thairin . . . . The bailyies cummes: he commandis thame to ring the commoun bell, and remove thais rebellis. The baillies said they could not without advyce of the Counsell,—quhilk they would goe and convein; but they returnit not againe. The assemblie proceidit according to the order, and removes the Presbytrie of Perth forth for tryel. Upon quhom Scoone locket the doore, and closes thame out; but they, getting entres to a loft [gallery], signifieit to thair brether thair presence from that place. And so [the Synod] proceidit in tryel till nine of the clock, the hour at quhilk they sould dissolve, appoynting to meit againe at ten houres.—Returneing againe to the place, they fand all the dores closit and shutt. The baillies come and schew thaime that Scoone had done so and takin the keyes with him, againes thair will and consent; quhairfoir they wer willing the assembly sould tak documentis, and thairby offerit to thame another house to sitt in. They answerit that, sieing they wer excludit out of Godis hous, they would make all the world knaw it, that the thing quhilk they did might abid the lycht off the sunne. So,

Acta 1606-7. Page 278.

expenses.—Complainer appearing by David Thomesoun, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-compearance.

Submission of the feud between Home of Eccles and the Haitlies.

Mr James Home of Ecclis, on the one part, and Andro Haitlie of Sneip for himself and his sons, with Mark Haitlie in Fawnis, Henry Haitlie in Mellirstanes, and Thomas Haitlie, brother of Robert Haitlie of Pleuchland, for himself and his brothers, appear and declare that they are willing to submit their feud to his Majesty, and in the meantime "that assuirance sould stand betuix thame." James M^cDowell, brother of the Laird of M^cCairstoun, appears and makes similar declaration for Andro Edmestoun of that Ilk, and Andro Haitlie, uncle of the Laird of Mellirstanes.

Edinburgh, 16th April.

Sederunt—Chancellor; Caithnes; Linlithqu; Roxburgh; Halyruid-house; Bishop of Ros; Justice Clerk; Privy Seal; Advocate; Collector; Quhittinghame; Cranstounriddell; Bruntiland; Mr Petir Rollok; Clerk of Register; Sir Johnne Arnot; Conservator.

resolveing to sitt at the kirk-doore, thair wes brocht to them with diligence boordis, furmes, and stooles anew [enough]; and thair, with great confluence, men regrateing, women weiping and curseing the instrumentis of that disturbance of the servantis of God in doeing of thair office, being verie graifely and orderly sett downe, with great attendance and silence, the prayer wes wonderfully and powerfully and movingly conceivit. Thaireftir . . . ." The narrative goes on to record the resolutions come to by the Synod at its singular meeting in the open air in such circumstances. First, taking up the subject of the Linlithgow Convention, and of the appointment by that Convention of constant moderators for all the Presbyteries, they challenged the legality of that enactment, instructing the Presbytery of Perth, which was the only Presbytery within their bounds that had given effect to it, to cancel the reception of Mr Alexander Lindsay to be their constant moderator, and to choose a moderator for themselves after the old fashion at their next meeting. The other Presbyteries were similarly instructed to choose moderators in the old way,—the Synod neglecting entirely, it would appear, a special order from the King, through Lord Scoone, to nominate a constant moderator for the Presbytery of Auchterarder in room of the moderator lately deceased. —Among the other pieces of business of the Synod before it broke up was a resolution to write to the Presbyterian ministers detained in London and to petition the King in their behalf; also an election of commissioners from the Presbyteries to be sent to the next General Assembly, appointed to be held at Linlithgow in July next; also the appointment of a deputation of four of their number to wait on the Privy Council, defend the proceedings of the Synod, and complain of Lord Scone.—The Council, as appears from the present cluster of three entries in their minutes, under date April 9, took their own view of the proceedings of the Synod. —What has to be especially noted at this point is the advance made by his Majesty upon all that had hitherto been supposed to have been conceded to him by the resolution of the Linlithgow Convention in the matter of Constant Moderators. Though authentic copies of the Act of that Convention on the subject were still withheld, the understanding everywhere, by report from those who had been at the Convention, seems to have been that all that was settled was that there should be *Constant Moderators of Presbyteries*, and even that with very definite reserves and caveats. Now, however, it appeared that his Majesty meant that *the Constant Moderatorship arrangement should be applied to Provincial Synods*, by a rule that the moderator of every Synod should be chosen from among the constant moderators of the Presbyteries of that Synod, and that he claimed that as having been settled by the undivulged Act of the Linlithgow Convention. It was doubtless the perception of this, and of the inevitable consequence that the Bishops, all already among the constant moderators of Presbyteries, would become Perpetual Moderators of the Provincial Synods, that caused the Synod of Perth to be so resolute. More was to heard of the matter.

Decree against John Frendraught for not finding caution.

Complaint by Johne Spalding in the Hill of Keremure, and Alexander Spalding, his brother-son, that Johnne Frendraucht in Keremure, and Thomas Ogilvy, sister-son of the Laird of Balfoure, remain unrelaxed from a horning of 4th September 1600 for not finding caution for the indemnity of complainers,—Frendraucht in £1000 and Ogilby in 1000 merks.— Charge had been given to Frendraucht to answer; and now, complainer appearing by Johnne Dempstair, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-compearance. Acta 1606-7. Page 279.

Decree against Thomas Mann for debt.

Complaint by Robert Dawling, brother of Mr Johnne Dawling, advocate, that Thomas Man, merchant, burgess of Dundie, remains unrelaxed from a horning of 6th February last for not paying pursuer, in name of Johnne and Samuell Bischoppis, merchants in Middilburgh in Zeland, £7, 6s. great Flemish money.—Complainer appearing personally, decree as above against defender. Page 280.

Decree against the provost and bailies of Jedburgh for debt.

Complaint by Christeane Colquhoun, relict of William M^{c}Cubene, merchant, burgess of Edinburgh, that Sir Andro Ker of Phairnyhirst, provost of Jedburgh, and Adam Rutherfurde, George Moscrop, and Thomas Kirktoun, bailies thereof, remain unrelaxed from a horning of 21st February last for not paying her £180, together with £112 as principal, £10 for expenses of plea, and 40s. of collector silver.—Complainer appearing personally, decree as above against defender for non-compearance.

William Reid against Simon and Andrew Abernethy for assault and violence: Decree of absolvitor.

Complaint by Williame Reid in Turnouthhill, and Andro and Andro Brownis, his servants:—Said Williame has been in the peaceable possession of the said lands till this month, when Symone Abirnethie in Turnouth, and Andro Abirnethie, his brother, assaulted and wounded his said servants as they were ploughing his said lands, barbarously struck the oxen and other bestial used in the plough, destroyed the whole furnishing of the plough, invaded complainer himself at the house of William Broun in Castellaw, and with a great baton "fellit him deid to the ground."—Both parties appearing, the Lords assoilzie the defenders, because, complainers having referred the complaint to their oath, they have declared that it is not true. Page 281.

Order for keeping the peace at a horse race to be held at Fettercairn.

Being informed that there is a "horse race appointed" at Fettircairne upon 22nd or 23rd instant, at which a "grite nowmer of people of all rankis" are to be present, "sua that it is to be feirit that sum wicked and unhappie personis, of quhome thair is ever some present at sic publict assembleis and meittingis, sall tak occasioun, upoun some licht querrell or motioun, to mak sum sture and unquietnes at that meiting, and to yoke barronis and gentilmen togidder quha standis undir guid termes of freindschip," the Lords ordain charge to be given to all the lieges resorting to the said horse race to keep the peace, under pain of death. Page 282.

Bailies of Dysart against Gavin Wemyss and others for

Complaint by James Crystesoun and David Simpsoun, bailies of Dysert, for themselves and for the council and inhabitants of the said burgh, as follows:—Upon 31st March last, being "ane ordinair preitching day"

Acta 1606-7. in the said burgh, while the said bailies, council, and many others were at the preaching in the kirk, David Melvill of Touch, James Weymes of Balquharge, Gavin Weymes, Patrik Weymes, Mr Johnne Weymes, and Robert Allerdice in Dysert, Lourence Sinclair of Aith, James Cheisholme in Wodsyde, Thomas Lumisdane, fiar of Pittillok, and David Boiswele of Mylnedenis, with others to the number of 30 or 40, all armed with certain weapons, "come in a tumultuous and bragging maner to the said burgh" and "rankit thameselffis upoun the hie streit and calsay," intending to await the "dissolveing of the people fra the kirk," and to take "thair advantageis" of such of them as they had any quarrel with. Word having been brought to the church of this unlawful convocation, the kirk session had directed Mr Thomas Hog, their minister, and David Murray, burgess, to the high street to ascertain "quhat the mater meanit." On their return it was deemed best "that the inhabitantis of the said burgh sould be convenit in the kirkyaird: quhilk being done, and the personis foirsaidis finding that they wer not able to prosequute that quhilk they intendit, they craftelie cullorit the caus of thair convening with mony protestationis that nathing wes intendit be thame to disturb the peace of the said burgh, and faithfullie promeist that no trouble nor uprore sould be maid be thame." The inhabitants had then retired to their houses; but, while the said James Crystesoun was coming from the kirk to his home, the said persons, finding him accompanied only by his three sons, shamefully set upon them, and would have slain them if they had not escaped.—Crystesoun appearing for himself and for the other pursuers, and having passed from the pursuit of all the said defenders except Gawin Weymes, David Melvill, and James Cheisholme, and the said Weymes and Melvill being also present, but Cheisholme failing to appear, the Lords find the complaint against the three to be clearly proven, and ordain Weymes and Melvill to be committed to ward in the tolbooth of Edinburgh, to underlie punishment for the offence, and charge to be given to Cheisholme to enter in the said tolbooth within six days after the charge, under pain of rebellion.

making convocation and tumult in the burgh.

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Page 284. Complaint by Gawin Weymis, burgess of Dysert, James Weymes of Balquharg, Laurence Sincler, fiar of Ethay, Patrik Weymis in Dysert, David Melvill of Touch, and James Chisholme, son of Johnne Cheisholme in Wodend, as follows:—(1) Upon 17th February last, when the said Gawin, after having been "at the evynning prayeris in the kirk of Dysert," was returning to his own house, James Crystesoun, bailie, David and Thomas Crystesonis, and Michaell Lathreis, burgesses of the said burgh, set upon him and wounded him to the peril of his life. (2) Upon 19th February, when he had gone "to see his landis of Mitchelsoun labourit," the said David, accompanied by Alexander Halkett, Johnne Crystesoun, son of the said James, and the said Michael Lathries cruelly pursued him for his life and mutilated him of his right hand. (3) Upon 31st March last, when the said Gawin and the other complainers were going to the town of Kirkaldy for removing a quarrel between the said Lourence Sinclair and Patrik Weymis, on the one part, and some servants

Gavin Wemyss, burgess of Dysart, and others of the said burgh, against certain of the burgesses for assaults and violence: Decree of absolvitor.

of the Laird of Balmuto, on the other part, the said James Crystesoun, David Crystesoun, George, James, and Archibald Crystesonis, his sons, Patrik Weymis, Gawin Weymis, his son, Johnne Drummond, Johnne Rany, Johnne Mitchell, Johnne Cowane, Alexander Munk, Florence Wilkie, Johnne Dow, Walter Scott, Thomas Symsoun, David Symsoun, maltman, Michael Lathreis, Patrik Murray, Thomas Crystesoun, David Robertsoun, Andro Hird, Johnne Hagie, David Neblo, Patrik Prestoun, James Crow, Alexander Halkett, James Wishert, Johnne Auld, David Orknay, William Wilky, and Andro Aysoun, with others to the number of 100, all armed with swords, halberts, long staves, gauntlets, and other weapons, "past in a very unseamelie and tumultuus maner to the kirk of the said burgh, and thair consultit he quhat meanis thay mycht best come to thair purpois, and for this effect directit thair spyis furth of the kirk to mak tham adverteist of the said complenaris comeing throw the streit; lyke as, how sone they wer adverteist be the spyis appoyntit be thame of thair approcheing neir the said kirk, thay all isheit furth of the kirk," set upon complainers, and would have slain them but for "the providence of God, thair awne bettir defence, and help of some of the inhabitantis of the town."—Both parties appearing, the Lords assoilzie the defenders, because the pursuers have entirely failed in proof.

Acta 1606-7.

Page 285.

Suspension of horning obtained against certain inhabitants of Selkirk by Walter Scott.

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Complaint by Mr Patrik Shaw, minister at Selkirk, George Mitchelhill and James Scott, bailies, Patrik Kene, Johnne Scott, George Halywell, Robert Scott, Johnne Lidderdaill, William Nicol, Walter Dagleishe, Johnne Small, Mungo Currour, George Dun, James Vent, Williame Fokhart, James Mynto, Robert Melros, Mungo Johnnestoun, David Moffet, Andro Brydene, James Turnbull, Thomas Ker, Johnne Wilkiesoun, Robert Howy, Thomas Scott, Malcome Turnbull, Johnne Noitman, Walter Freir, Mungo Cruikshank, Andro Turnbull, Mungo Mittok, Johnne Freirgreve, called of Todshaw, Gawine Murray, Williame Browne, James Vauch, Walter Halywell, Johnne Cuke, Johnne Allane, Thomas Johnnestoun, James Bullerwell, James Turnbull, Andro Angus, James Thomesoun, Robert Din, David Din, Johnne Freirgreve, Robert Heislop, Robert Syntoun, Robert Cowane, Mungo Cavers, Thomas Currour, Thomas Fleshour, Robert Dobie, Andro Dobie, Thomas Turnbull, Robert Turnbull, Johnne Ewart, Alexander Hall, Richard Cavers, Williame Purves, Thomas Freir, George Young, James Turnbull, Mungo Burne, James Burne, George Wode, Andro Speir, Robert Watsoun, Johnne Currour, Thomas Jaksoun, Thomas Patersoun, Robert Gledstanes, Alexander Young, James Young, Quintene Greneschеillis, George Young, Williame Mitchelhill, Johnne Mitchelhill, Alexander Heislop, James Scott, called Howie's Jamie, Johnne Inglis, Johnne Flesheour, Johnne Lummisden, Johnne Lowrye, James Halywell, Richard Brewhous, Adam Lambert, Johnne Currour, and David Currour, all burgesses and inhabitants of Selkirk, as follows:—They have been lately charged, under pain of rebellion, by letters raised by Walter Scott, servitor to Sir George Touris of Garnetoun (Inverlayth), to find caution in 400 merks each for his

Acta 1606-7. indemnity. Now, the said letters have been raised by Robert Scott of Haning without the knowledge of the said Walter, of purpose to draw the complainers into trouble, because they will not dispone to him certain parts of their commonty "whereat indirectlie he hes schoit thir mony yearis bigane." He had already caused the complainers and many others of the said town to find caution to himself; and now he has raised these letters at the instance of his brother, whom the complainers have never
Page 287. offended in word or deed. Still, the complainers have found the caution required, though the pains are far above the proper sums, they being "meane men," few or none of them worth 400 merks.—The said George Mitchelhill appearing for himself and the other complainers, but Walter Scott failing to appear, the Lords suspend the said letters and discharge the caution found by the pursuers.

Charge for transporting Gilbert Mackie, a mass priest, apprehended in Moray, to the bailies of Edinburgh, to be warded in their tolbooth.

Understanding that Alexander, Bishop of Murray, has lately apprehended Gilbert M°Kie, "a messe preist, who this lang tyme bigane hes hantit within the boundis of Strathspay and uthiris pairtis of the North, wher, be reasoning and dispersing of bookis and uther wayes, he hes seduceit great nomberis of people of all rankis to declyne from the trew
Page 288. religioun and to imbrace his superstitious and damnable errouris, lykeas he hes oft and divers tymes and in sindrie placeis sayd messe aganis his Majesteis lawis and Actis of Parliament," the Lords ordain the sheriff of Murray to receive M°Ky from the Bishop of Murray and to transport and deliver him to the sheriff of Banff, who is in turn to deliver him to the sheriff of Abirdeyne, he to the sheriff of Kincardin, he to the sheriff of Forfar, he to the sheriff of Fyffe, and he to the bailies of Edinburgh, to be by them committed to ward in their tolbooth, and detained there at his own expenses till freed by the said Lords. Any of the said sheriffs failing in the premisses is to be denounced rebel.

Suspension of horning obtained against Patrick MacEwen and others by Sir James Stewart.

Page 289. Complaint by Patrik M°Ewne, Andro M°Allaster, Duncane M°Glassen, and Stevin M°Ean Moir, all in Dunfallades, Andro M°Inteir in Stuckis, Johnne M°Donachie V°Chaich Chere and Johnne M°Andro Duy there, as follows:—They are charged by letters at the instance of Sir James Stewart of Balleachane, as factor to Sir Michaell Balfour of Burley, to buy from him the legal outfit of armour, under pain of horning. Now, Sir Duncane Campbell of Glenurquhy, their master, had agreed with Balfour for so much armour as was required for his own estate; and so the complainers, as Sir Duncane's tenants, ought not to be burdened of new. But, even if there had been no such agreement, they are not bound by the Act of Estates to buy any of the armour, because they are but "poor meane men and labouraris of the ground," none of them worth 500 merks of free gear. Still, they have found the caution demanded, and therefore the said letters should be suspended.—Andro M°Inteir and Johnne M°Donachie appearing personally, and Sir James by , the
Page 290. Lords do suspend the said letters, because pursuers have declared by their great oath that they are not worth 500 merks each.

Edinburgh 23rd April.

Sederunt—Chancellor; Ergyle; Lotheane; Scone; Bishop of Ros; Haliruidhous; Privy Seal; Whittinghame; Murdocairny; Brintiland; Kilsyith; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Sir Johnne Arnot; Conservator. Acta 1606-7.

Alexander Pearson and other wine merchants against the tacksmen of the customs.

Complaint by the wine-merchants under-named, as follows:—In 1604 Alexander Persone had delivered to the Laird of Banff two tuns of wine and to the Lord Saltoun three tuns; Johnne Murray to Sir Jedeone Murray half a tun; Johnne M^cAdam to the Laird of Polmais one tun; Robert Prestoun to the Lady Cassillis one tun; David Weymis to the Laird of Weymis six puncheons; Alexander Menteith to the Laird of Kers two tuns; Johnne Nesbitt to the Laird of Pitslego three tuns; James Macmath to the Laird of Clerkintoun one tun; and Johnne Wilsoun to the Laird of Bas three puncheons. The said wine-merchants had delivered their tickets to Johnne Logane, depute to the tacksmen of the customs, conform to the order; yet the Comptroller and tacksmen of the customs charge them to pay the impost of the said wines, although by Act of Council wines furnished to noblemen for their own houses are free of the said impost. —David, Lord of Scone, and the tacksmen having been heard, the Lords ordain them to allow the complainers the impost of the said wines.

Promise by Towers of Inverleith and others.

Touris of Inuerleyth and Creichtoun of Lugtoun, on the one part, and Robert Hepburne of Aulderstoun, on the other part, give their great oath that they will not invade or trouble one another,—Hepburne undertaking also not to molest Creichtoun, Lady Inuerleyth. Page 291.

William Ashmure, Englishman, against the Admiral-depute and his officers, for wrongous imprisonment.

Complaint by Williame Ashemure, Englishman, as follows:—"It being the goode pleasour of God to unite thir twa famous kingdomes undir his Majesteis royall crowne and sceptour," complainer had hoped that he "micht have freelie and peceablie repairit to this kingdome in his lauchfull trade." But on 16th instant Robert Robertsoun and William Boustoun, admiral officers, by the direction, as they affirm, of Mr Jerome Lyndsay, admiral-depute, came to complainer's ship, lying in the harbour of Leyth, and violently took the anchor out of her. "Mervelling" at this, he had "complenit" to Lyndsay; who, however, desired him to find caution to answer to the law. This the complainer had done; but, upon 18th instant, Bowstoun came to him and desired him to speak to the admiral in the tolbooth. Complainer having gone to the tolbooth, Bowstoun put him in ward there, and detained him all that night.—Both parties appearing, the Lords assoilzie Lyndsay, but find that the two officers had done wrong in committing complainer to ward after he had found caution, and therefore ordain them to be committed to ward in the tolbooth of Leyth and "layed in the stokis" during the Council's pleasure. Page 292.

Decree against John Home for debt.

Complaint by Robert Sinclair of Langformacus that Johnne Home of Kello remains unrelaxed from a horning of 5th March last for not paying him £1000.—Pursuer appearing personally, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-compearance.

Acta 1606-7. Page 293. Complaint by Williame Wardlaw of Quholpsyde (1) that Mathew Finlasoun of Killeith, and Mr Johnne Lyndsay, "his sone," remain unrelaxed from a horning of 20th December 1606 for not obtaining charters, either by resignation or confirmation of their superior, of their wester part of the lands of Killeith, and and also of the lands of Cuiking, Turnoch, Turnochhill, and Lennox-tounhall, in warrandice of the said wester part, with precept of seisin in the said charter in favour of complainer and Naper, his spouse, and of the longest liver of them, conform to a contract dated 29th June 1605, and for not paying 200 merks for expenses; (2) that Andro Moncur of that Ilk remains unrelaxed from a horning of 4th July 1606 for not paying complainer 3000 merks as principal and 300 merks for expenses.—Charge had been given to the said Andro to answer; and now, complainer appearing personally, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for failing to answer. Decree against Andrew Moncur of that Ilk for debt.

Page 294. Complaint by Alexander Murray of Halheriot-kirk that Williame Baird in Corsupt remains unrelaxed from a horning of 14th instant for not paying him £60 as principal and £10 for expenses.—Complainer appearing, but not defender, decree as above given against defender. Decree against William Baird for debt.

Complaint by Williame Ogilvy of Balgay that Adam Hepburne, now of Bonhard, remains unrelaxed from a horning of 23rd and 24th December last for not fulfilling a contract of 9th July 1589 made between complainer and the late Adam Hepburne of Bonhard, with consent of Marione Ogilvy, his spouse,—which contract had been transferred on 8th March last to the said Page 295. Adam *passive*.—Complainers appearing personally, there is decree as above against defender for non-compearance. Decree against Adam Hepburn for non-fulfilment of a contract.

Complaint by Mr Alexander Sym, advocate, that James, Earl of Athoill, remains unrelaxed from a horning of 14th March last for not paying him 200 merks for the maill of a lodging for the terms of Whitsunday and Martinmas last, together with the sum of 50 merks for each term's failure, conform to the said Earl's band.—Complainer appearing Page 296. personally, decree as above against defender for not appearing. Decree against the Earl of Atholl for debt.

The Synodal Assembly of Fyff having been appointed to be held at Dysert upon Tuesday next, 28th instant, and it having "pleased God in this meantyme to visie sindrie pairtis of Fyffe and some pairtis and boundis very ewest to the said burgh with this contagious seiknes of the pestilence," so that the said Assembly, "whereat certane of his Majesteis Counsaill and suche a frequent nomber of the ministerie intendis to be present," cannot be held without "perrell of thair awne personis and consequentlie of thair flockis and congregationis," the Lords prorogate the meeting to the first Tuesday of June next, and ordain intimation to be made accordingly by open proclamation at the market crosses of Dysert, Sanctandrois, Coupar in Fyffe, Kinghorne, and Dunfermling.[1] Prorogation of the Synod of Fife on account of the plague in those parts.

[1] In connection with this, take the following from *Calderwood* (vi. 658):—"In the end of Aprile the Synod of Fife sould have conveenned at Dysert. But the Bishop of St Andrewes, Mr George Gladestains, and some others, conveenned with the Comptroller in

Suspension of the horning obtained against William and George Hepburne by Margaret Carkettle.

Complaint by Williame and George Hepburnis, sons of Patrik Hepburne of Stevinsoun:—They are put to the horn at the instance of Sir Thomas Hammiltoun of Monkland, King's Advocate, and the late George Carkettle, burgess of Edinburgh, for not answering for their coming to the said George's house of Monkrig, forcibly breaking of the same, and ravishing and away-taking Margaret Carkettle, his daughter (See vol. vi. pp. 180, 189, 191, *et passim*, and *ante*, p. 346). Now, as they never heard of the charge to answer till long after their denunciation, and as they found caution, each in £500, to answer this day to the said complaint, and as the gift of their escheat is disponed to Johnne Young, writer, the said letters should be suspended.—Complainer appearing personally, and the Advocate being also present, and Archibald Hammiltoun of Bairfute appearing for himself and for his said spouse, the Lords do suspend the said letters, remit the action for rape to the justice-general, and ordain complainers to remain in Edinburgh till they find caution in 1000 merks each to answer before the said judge when required. Acta 1606–7. Page 297.

Sir Thomas Hamilton, King's Advocate, against James Ross for refusing to allow pursuer to work mines in defender's lands.

Complaint by Sir Thomas Hammiltoun of Monkland, King's Advocate, as follows:—His Majesty, with consent of the Treasurer, had, by his tack dated 26th June 1606, set to the complainer all mines and minerals in the lands and baronies of Ballincreif, Bathcat, Drumcroce, Knok of Drumcorce, Tortrevin, Torphichin, and Hilderstonis, lying within the shire of Linlithqw, and had by his infeftment under the great seal, of date 29th January last, in feu-farm heritably disponed to the complainer all and sundry the said mines, minerals, and metals, with power to him to break the ground of any part of the said lands for working the said mines, "and to draw levallis, wattergangis, sinkis, conductis, shaftis, and uthiris necessaris for the same, and to big fyre-werkis, watter warkis, duelling houssis," and to cast peats and fuel, and to cut timber and wood within the said lands, and transport the same for working the said mines, and to do all other things requisite for executing the premisses, on condition of his "satisfeing the awnair of the ground for the superfice of the same ground, without ony respect to the mettallis being thairin, quhilkis ar his Majesteis, and be his Heynes richt and dispositioun pertenis to the said complenair,"—said satisfaction to be "be appunctuament betuix the pairtyis yff they can aggree, and, failyeeing thairof, the same to be sett doun be the Lordis of Prevey Counsell." Now, albeit the complainer has often offered to satisfy James Ros of Wardlaw for liberty to work the mines within his lands of Tortrevyne "efter sick competent rate as the said Page 298.

Falkland, soone after the Synod of Perth (see *ante*, pp. 347–351, with footnote). They, fearing the like opposition in the Synod of Fife that was made in the Synod holden at Perth, procured letters from the Counsell to be proclaimed in everie towne where the Presbyteries wount to be keeped to stoppe their meeting." The Comptroller was Lord Scone, who had been appointed one of his Majesty's Commissioners for the Fife Synod, as well as for that of Perth (see *ante*, p. 344). His experience of the Perth Synod had disinclined him to face for the present the Synod of Fife, perhaps the most Presbyterian county in all Scotland. Hence the present prorogation.

Acta 1606–7. James himselff sould reasounablie appoynt," and has "maid the lyke offer to him at the sicht of his awne freyndis," yet he refuses to permit
Page 299. complainer to work the said mines.—Both parties appearing, the defender becomes bound to do nothing to hinder complainer in working the said mines, and that, if he shall have occasion to complain of any damage sustained thereby "in his cornis, gres, or superfice of his ground," he shall complain to the Privy Council, but once every year only, when two of the Council shall be appointed "to try and pryse his skaith and damnage."

Page 300. *Sederunt*—Chancellor; Huntley; Caithnes; Lotheane; Bishop of Ros; Scone; Master of Montrois; Master of Elphingstoun; Haliruidhous; Privy Seal; Advocate; Collector; Clerk of Register; Kilsyith; Conservator; Sir Johnne Arnott. Edinburgh, 30th April.[1]

[1] On or about this day news from London of a particularly interesting character must have reached Edinburgh. It related to Andrew Melville and the other Scottish ministers who had been detained there so long by the King's orders:—Our last glimpse of them was in November 1606, when Andrew Melville was separated from the rest by being sent into private ward in the house of the Dean of St Paul's by warrant of the English Privy Council, on account of his Latin epigram on some characteristics of the English Church ritual (*ante*, p. 280, footnote). Since then the little colony had lived on as best they could, their condition all the harder because of the stopping of the money for their lodging expenses that had been paid them out of the Scottish Exchequer for the first month or two of their residence in England. More and more impatient of their captivity in such circumstances, and resenting, as discreditable to their calling and their country, the proposal to quarter them in the houses of some of the English bishops, where they might save expenses and be instructed in English Church principles at the same time, they had not ceased to remonstrate with the King on their treatment, and to petition for leave to return home. At length, in February 1607, this leave was granted to one of them, Mr John Carmichael, minister of Kilconquhar, on the ground that he had received intelligence that "his wife was in danger of death, and the provision of his children like to be lost," but even then with the attached condition that he was not to preach in Scotland or take any part in public affairs, and was to return by the 15th of March. When that time came his return was excused, on testimonials from Scotland that his health would not permit the journey. Meanwhile the release of the other seven,—Andrew Melville, James Melville, James Balfour, William Scot, William Watson, Adam Colt, and Robert Wallace,—seemed all but hopeless. Again they were informed that they must make up their minds to be quartered in the houses of some of the bishops; and that it was intended that the captivity of at least four of them in this fashion should be for an indefinite time appears from a letter of his Majesty to Secretary Balmerino, of date 5th March, which will be found among the *Royal and other Letters*. It directs arrangements for the supply of the pulpits and the parochial charges of some of the ministers during their continued absence.—Just about the date of this letter the efforts of the detained seven for their release had become more passionate than ever. See *James Melville's Autobiography*, pp. 688–700, and *Calderwood*, vi. 633–643, for the story of these efforts, including an energetic appeal to the equity and generosity of the English Privy Council, and a conference of James Melville and Mr William Scot with Bancroft, Archbishop of Canterbury, in which the Archbishop was very courteous and good-humoured, had wine put on the table, and talked very sympathetically, but declined the serious argument on the subject of Presbytery into which Mr Scot would have at last led him, —clapping Mr Scot on the shoulder, and saying, with a smile, "Tush, man; here, take a cup of good sack." All efforts were in vain; and the only favourable change was that on the 9th of March Andrew Melville, who had been in separate custody since November, was able to rejoin his colleagues. A message had come to him to leave the house of the Dean of St Paul's and take up his abode with the Bishop of Winchester; but, as no one appeared to convey him to the Bishop's house, he availed himself of the neglect to be once more for a while with the rest in their lodgings in the Bow. The remainder of March and nearly the whole of April had

Articles proposed by the Council anent the terms of the Marquis of Huntly's undertaking for the pacification of the North Isles: the Marquis's Answers thereto: Council's conclusion on the subject.

"Forsamekle as this day being assignit to George, Marques of Huntley, for his personall compeirance befoir the Lordis of Secreit Counsall anent the affairis of the North Yllis, and he compeirand personalie befoir the saidis Lordis, it wes thocht meit be thame that he sould be burdynnit with the acceptatioun of that service upoun the conditionis following, and that he sould mak his ansuer to thir conditionis in wryte:—whilk accordinglie wes done: off the quhilkis conditionis the tennour followis:— Acta 1606-7.

been spent in this way, with no other incident of note in the little society than the production of another Latin epigram by Andrew Melville for the amusement of his colleagues. It was occasioned by the report that had reached them of the extraordinary festivities and solemnities with which St George's day, the 23d April, the day of the patron saint of England (voted now also to have been Shakespeare's birthday), had been kept at Court. The point of the epigram was a contrast between St George and St Andrew, as the fit representatives of the diverse worships of the two nations.—The seven were still repeating this epigram among themselves in their lodging in the Bow, when, on the morning of Sunday the 26th of April, a message came to Andrew Melville requesting him to call on the Earl of Salisbury at Whitehall. He went to Whitehall at once, followed by his nephew and Messrs William Scot and Robert Wallace, with whom he had made an appointment to meet him in the house of a Scottish friend in Westminster after the interview with the Earl should be over. After waiting in Whitehall for about two hours, without seeing anything of the Earl, he appeared among them again in this house, saying he had come to dine with them, and jesting on the fact that his invitation to the Earl's had not turned out to be a dinner invitation. They were at their meal together when three messages in rapid succession came requiring his presence in Whitehall, the first from the Earl, and the others from the English Privy Council, then sitting. With a presentiment of what was coming, he lingered as long as he could, still talking jestingly with his colleagues for a while, but latterly with something of a serious farewell in his words and tones. At length he was in the presence of the Council, confronting the Earl of Salisbury, the Earl of Northampton, the Archbishop of Canterbury, and others of the English members, besides the Duke of Lennox, the Earl of Mar, and other Scottish members,—the King not in the Council chamber himself, but in a closet adjoining, where he could overhear what passed. Of what did pass there is no very distinct account, save that Melville found himself again interrogated as to his former epigram on the worship in the Chapel Royal, and as to his opinion respecting the English Church, and that, in the course of his replies, he allowed his constitutional fervour to overmaster him as usual, spared nobody present, English or Scottish, and said things which his Majesty, listening in the next room, could not but dislike. For three hours his nephew and the others, who had been warned not to approach the Palace, but were still in the neighbourhood, had been waiting anxiously for the result; but it was not till three o'clock in the afternoon that they had any definite information. They then learnt that Melville had been taken in a boat down the Thames from Whitehall, and was a prisoner in the Tower of London. All that evening they tried to have access to him there, but without success.—Such was the news that must have reached Edinburgh on or about the 30th of April 1607. One can imagine with what excitement it was received there and throughout Scotland. Not only were there so many Presbyterian ministers now in banishment abroad, and so many more in seclusion or incapacitation and ward in different places at home; but the Arch-Presbyterian of Scotland, the supreme wit and scholar on that side in the whole Scottish nation, was a prisoner in the Tower of London, with no one knew what further fate in store for him!—It was not only in Scotland that the news caused excitement. The Puritans of England were also roused; and from this moment Melville was thought of by them not as merely the representative-in-chief of Scottish Presbyterianism, but as also one of the representatives of the general Puritanism of the British Islands. Nay, the interest in his case extended itself rapidly to the Continent. There came to be a demand at foreign courts and universities for copies of the Latin epigram for which the Scottish presbyter had been punished; and it received in this way a circulation and an amount of attention far beyond what it could have obtained by its own merits.

Acta 1606-7. That he accept the service without ony lieutennandrie, bot upoun his awne freindship and moyane allanarlie. Marquis of Huntly and the North Isles.

That he tak na langer space for the outred of that service, nor na suspensioun fra payment of the yearlie dewitie, bot for ane yeare.

That he end not this service be aggreement with the cuntrey people, bot be extirpatioun of thame.

That he tak the haill North Yllis, except the Sky and the Lewis, in few, as being all of the Kingis propertie, outher be foirfaltour of the possessouris or uthirwayes.

That he be subject to the Kingis Majestie and his Comptrollair in the payment of a reasounable yearlie dewytie for the saidis North Yllis,—whiche salbe condiscendit upoun be the Comptrollair be dew and competent proportioun betuix the North and South Yllis and uthiris suche landis, outher in quantitie, qualitie, and be computatioun of pund landis or uthirwayis.

The Marques of Huntleyis offeris and ansueris to the Articlis abone-writtin:—

His Lordship offeris to tak in hand the service of setling of the North Yllis undir his Majesteis obedyence without a lieutennandrie, and to putt ane end to that service be extirpatioun of the barbarous people of the Yllis within a yeare.

His Lordship offeris to pay to his Majestie yearlie for the saidis Yllis iiii^{c} lib., quhairof iii^{c} for the Ust and ane hundreth pundis for the rest of the Yllis, *nomine feudifirme*, and craveis only ane suspensioun fra payment of this dewytie for the space of ane yeare. Page 301.

Yff his Majestie pleis to accept of this offer, his Lordship promissis, immediatlie efter the intimatioun to him of his Majesteis acceptatioun, to enter to the service and to use all goodlie diligence in the prosequutioun and finisheing of the same.

His Lordship craveis a commissioun of lieutennandrie and justiciarie over these haill Yllis and aganis the inhabitantis thairof, with exceptioun only of the inhabitantis of the Sky and the Lewis.

His Lordship craveis proclamationis and chargeis to be direct prohibiting the resett of the people of the saidis Yllis.

His Lordschip craveis that his commissioun contene a speciall justiciarie aganis the resettaris whatsomevir of the saidis barbarous people, without ony kynd of exceptioun.

His Lordschip craveis that his infeftment be past and exped to him, be avise of his men of law, of the haill Yllis contenit in his first offeris maid to his Majestie, whilkis ar the North Yllis, except the Sky and the Lewis. *Sic subscribitur:* Huntley.

Quhilkis offeris and petitionis being hard and considderit be the Lordis of Secreit Counsell, and thai being weill advysit thairwith, the saidis Lordis findis thame all to be very reasounable, except that of the yearlie dewytie, whilk thai think to be a very meane dewytie for the haill North Yllis. Alwayes the saidis Lordis remittis that point of the offer to the

Kingis Majesteis awne consideratioun. Wherupoun thai ordane a missive to be writtin to his Heynes to acquent his Majestie of thair procedingis in this busynes, and to crave his Majesteis awne resolutioun anent the yearlie dewytie, to the effect this mater of the Yllis sustene no langer delay nor continuatioun."[1] Acta 1606-7.

Prorogation of the Commission for visitation of the University of St Andrews.

The first of May next having been appointed for the execution of the commission for the visitation of the University of Sanctandrois (*ante*, p. 338), but some of the commissioners being abroad, and others being prevented by "thair necessair and urgent affairis" from keeping the said diet, the Lords prorogate the said diet till last Tuesday of May next, being the 26th, and ordain intimation hereof to be made to the commissioners by missive letters. Page 302.

The Synod of Perth discharged from meeting again till they have made satisfaction to his Majesty for their late proceedings.

"Forsamekle as the Kingis Majestie and Lordis of Secreit Counsell considering the disordourlie misbehaviour of some of the ministerie convenit laitlie at the Synode haldin at Perth upoun the day of Aprile instant [*ante*, p. 347], who knowing perfytelie that his Majestie, according to his custome in preceding Synodis, had directit his Heynes awne commissionaris to assist that Synode with his presence, avise, and counsell in suche thingis as wer to be proponed and motioned in the same synode, thay, nochtwithstanding, not onlie convenit without the presence of his Majesteis saidis commissionaris, who wer present with thame in the toun, and prevenit the tyme and hour appointit to thair meiting, of purpois and intentioun to haif determined upoun all thair resolutionis afoir evir his Majesteis said commissioner had gottin knowlege thairof, bot thairwith, quhenas his Majesteis commissioner come unto thame and intreatit thame to conforme thameselffis to certane heidis and articlis aggreit upoun in the Assembley of Lynlythqu,—whereat so greate a nomber of his Majesteis Nobilitie, Counsell, and Esteatis wer present,—thay contempnandlie and disdanefullie refuisit thair obedyence to the saidis conclusionis of Lynlythqu, and on thair pretendit maner concludit and resolved upoun sindrie materis altogidder dirogatorie to the said Assembley,—heichlie to his Majesteis offence and contempt, and frustrating sa fer as in thame lyis of all that wes done and concludit at that Assembley, gevand thairby evill example to uthiris Synodis to do the lyke without remeid be providit: Quhairfoir the Lordis of Secreit Counsaill hes dischairgeit and be the tennour [heirof] dischargeis the ministeris of the said Synode of Perth of all convening, meiting, or halding of ony synode at ony tyme heirefter, ay and quhill his Majestie, upoun advertisment to be maid to his Heynes of sufficient satisfactioun maid be thame for that thair offens alreddy committit, may be moved to gif unto thame licence and tollerationn for keiping of thair synode. And that letters be direct to mak publicatioun heirof be oppin proclamatioun at the mercat croceis of Striviling, Dunkeld, Auchtirardour, and uthiris placeis neidfull, wherthrow nane pretend ignorance of the same; and to command, charge, and inhibite the ministeris of the said Synode that thai on nawayes

[1] Connect with letters on the same subject among *Royal and Other Letters.*

Acta 1606-7. presome nor tak upoun hand to keip or hald ony synode heirefter during the space foirsaid, under all heyest pane, cryme, and offens that thai may committ aganis his Majestie in that behalff."[1]

Page 303. A "very great insolence" having been committed between Richard Ker of Gaitshaw, Andro and James, his brothers, Dandie Ker called Adam's Dandie, and James Ker, son of Johnne Ker in Hayhoip, on the one part, and Alexander Mow, called young Alexander, James Mow, brother of the Laird of Mow, Alexander Pringle in Hownome, Dand Pringle, called Little Dand, and James Mow in Jedburgh, on the other part,—"who hes enterit in hostile persute and invasioun, and some bloodesched committit betuix thame upoun the day of Aprile instant,"—there is order to charge both parties to answer on , and also to subscribe mutual assurances, to endure till 1st May 1608, under pain of rebellion. Charge for keeping the peace between the Kers and the Mows.

Upon the supplication of the parishioners of Banchorie-Ternitie in the shire of Kincardin, representing that there is not a market town in the said shire, and that the parish is distant 14 miles from any market place, so that petitioners are constrained to travel 14 or 20 miles for buying victual and "utheris necessaris for thair bodyis," and that the poor of the parish, "who can not gett a pair of schone to by in no pairt within xiiii myllis to the said parrochyne," are thus put to extreme inconvenience and loss, the Lords grant the liberty of keeping a weekly market day on Wednesday at the kirk of Banchorie-Ternitie, and ordain intimation Page 304. hereof to be made by open proclamation. Authority for a weekly market at the kirk of Banchory-Ternan in Kincardine-shire.

Complaint by Johnne Home, maltman, burgess of Perth, that Mr Robert Ros of Cragy, as principal, and Mr James Ros, minister at Forteviot, Johnne Browne in Cragy, and Patrik Kynnaird there, as sureties for him, remain unrelaxed from a horning of 3rd March last for not paying him 1000 merks as principal and £100 for expenses.—Complainer appearing by Archibald Douglas, macer, defenders, for failing to appear, are to be apprehended by the Captain of the Guard, and their goods to be inventoried. Decree against Mr Robert Ross and others for debt.

Page 305. Complaint by James Melvill of Dysert, and Richard Melvill, his son, that James Watterstoun, fiar of that Ilk, remains unrelaxed from a horning of 1606 for not paying them 300 merks.—Complainers appearing personally, decree as above against defenders for non-compearing. Decree against Waterstone of that Ilk for debt.

Sederunt—Lowtheane; Halyruidhouse; Advocate; Collector; Mr Petir Rollok; Justice Clerk; Sir Johnne Arnot; Conservator. Edinburgh, 7th May.[2]

[1] This order of Council was the direct consequence of a letter from the King, of date "Royston, 20th April 1607." See it among *Royal and Other Letters*.

[2] Andrew Melville having been committed a close prisoner to the Tower (*ante*, p. 360, footnote), there seemed to be no special need for detaining the other Scottish ministers longer in London. Accordingly, on the 6th of May 1607, when they had been more than eight months there in all, royal warrants were delivered to them disposing of them for the future. James Melville was not to return to Scotland, but was to betake himself to Newcastle-on-Tyne, there to remain, with liberty of movement to the extent of ten miles from the town, during the King's pleasure. The other five were to be allowed to return to Scotland on their good behaviour, —Messrs Scot, Watson, and Colt to their

Decree against Thomas Weir for non-fulfilment of a contract.

Complaint by Robert Hammiltoun, burgess of Edinburgh, that Thomas Weir, now of Kirktoun, son and heir of the late Thomas Weir of Kirktoun, remains unrelaxed from a horning of 26th December 1601 for not fulfilling a contract, of date 21st November 1586, between James Kneland, younger of Nether Bank, as principal, and the said late Thomas, on the one part, and complainer on the other.—Complainer appearing personally, decree as above against defender. Acta 1606-7. Page 306.

Edinburgh, 12th May. Anent James Montgomery and Andrew Harvieson.

Order to charge James Montgomery at the West Port of Glasgow, and Andrò Harviesoun, cook in Glasgow, to answer before the Council on 28th instant for their reset of certain excommunicated and trafficking papists, jesuits, and seminary priests.

Edinburgh, 14th May.

Sederunt—Chancellor; Caithnes; Litlithqu; Lowtheane; Bucleuch; Halyruidhous: Advocate; Collector; Privy Seal; Mr Petir Rollok; Kilsyth; Foistersait; Clerk of Register; Sir Johne Arnot.

Decree against Richard Herries for not redressing a spulyie.

Complaint by Johnne Neilsoun of Ervie that Richart Hereis of Mabie remains unrelaxed from a horning of 4th April last for not restoring to complainer, as assignee to Thomas Neilsoun in Corsok-Lindsay, the cattle, horse, sheep, and other goods reft by him from the said Thomas off the lands of Corsook Lindsay, or else paying the prices thereof, conform to the decree of Council dated 26th May 1606, together with £12 as expenses of plea and 40s. paid to the Lords' Collector.—Complainer appearing by Thomas Neilsoun, his brother, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-appearance. Page 307.

Decree against Sir William Ochterlony for debt.

Complaint by Thomas Dalzell, burgess of Edinburgh, that Sir William Auchterlony, apparent of Kellie, remains unrelaxed from a horning of 10th January last for not paying him 2000 merks as principal and £200 for expenses, and also 700 merks as principal and 100 merks for expenses.—Complainer appearing by James Dalzell, decree as above against defender for not appearing. Page 308.

Decree against Scott of Abbotshall for not relieving his cautioner.

Complaint by Johnne Inglis of Tarbett that Sir James Scot of Abotishall remains unrelaxed from a horning of 14th April last for not relieving complainer, as cautioner for him at the hands of William Wood, son of the late James Wood of Lambelethame, of 1380 merks.—Complainer appearing by Johnne Mertene, decree as above against defender for not appearing.

Charge to the Masters and Regents of the University of St Andrews anent the Commission for the Visitation of the University.

"Forsamekle as the Kingis Majestie, upoun certane speciall and good considerationis, hes gevin ane commissioun to a nowmer of his Majesteis Page 309.

own parishes, but Messrs Balfour and Wallace not to return to their parishes, but to reside in Cockburnspath and Lauder respectively. Within a few days four of the six left London for their journey north; but James Melville and Mr William Scot remained on for a while, trying to have access to Andrew Melville in the Tower, and making what arrangements they could for his comfort in his confinement.

Acta 1606-7. Counsale and utheris, his guid subjectis, to repair to the citie of Sanct Androis for visitatioun of the Universitie and Collegeis within the same, alswele anent the taking of particulair and exact accompt of every anes behavioure and cariage within the same, and observatioun of the lawis, ordinanceis, and constitutionis at the first foundatioun thairof, as for remedying of such disordouris as have laitlie crept into the same, and providing of sufficient and qualifeit personis to the void placeis thairof, as in the said commission at mair lenth is contenit [*ante*, p. 338],—for the executioun quhairof the xxvi day of May instant, being Twysday, is preceislie appoynted and assignit,—thairfore the Lordis of Secrite Counsale ordanis letters to be direct chairgeing the haill maisters, regentis, foundit personis, yconimus and chalmerlanis of the saidis Collegeis, to compeir personalie befoir the saidis commissionairis within the citie of St Androis upoun the said xxvi day of Maii instant, and to bring and produce with thame thair foundationis, als wele generall of the privilegeis of that Universitie as of the particulair Collegeis of the same, togidder with the just compt of the levingis of the saidis Collegeis sen the last visitatioun thairof, to be sene and considerit be the saidis commissionairis, and that the saidis maisteris, regentis, foundit personis, chalmerlanis, and yconimus attend and await upoun the said commissionairis, and be reddy at all tymes as they salbe callit to compeir before thame, undir the pane of rebellioun."

Decree against Sir William Ochterlony for non-fulfilment of a contract.

Complaint by Petir Sandirsoun, tailor, burgess of Edinburgh, that Sir William Auchterlony of that Ilk remains unrelaxed from a horning of 12th December 1606, for not infefting and seising him in an annualrent of 600 merks furth of the lands of Balmady, and for not paying him 800 merks for expenses, conform to the contract passed between them of date
Page 310. 9th April 1605.—Complainer appearing by Archibald Dowglas, macer, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for not appearing.

Stewart of Baltersan against Stewart of Clarie and others for bearing and using fire-arms: Decree of absolvitor.

Complaint by Sir Thomas Hammiltoun of Monkland, King's Advocate, for his Majesty's interest, and by George Stewart of Baltersane, as follows: —In violation of the Acts of Parliament, Alexander Stewart of Clarie, Anthone Stewart, his brother, and Robert M°Alexander in , have these three or four years past carried hagbuts and pistolets, of purpose to invade the said Johnne (? George) Stewart and others. In a justice court held in the tolbooth of Wigtoun upon 19th April 1603 by Alexander Stewart of Garleis, his Majesty's commmissioner in that quarter, Mac-Alexander had confessed that, during the five years preceding, he had "schote and slane foullis and heairis" with hagbuts and pistolets; and in
Page 311. April last the said Laird of Clarie and his brother, and some of his servants, armed with hagbuts and pistolets, "lay at await for the said George at the calsay and burne of Pennynghame," of purpose to slay him.—Both parties appearing, and the complaint having been referred by the pursuers to the oaths of the defenders, Anthone declares that the libel is not true, while the Laird of Clarie depones that, the Laird of Gairleis

having obtained a commission for pursuit of certain rebels, with power to bear fire-arms, he, the defender, in assisting the said commissioner, had sometimes hagbuts and pistolets for that service only, and with no intention to invade the complainer,—admitting at the same time that, the Lady Colleane having been in deponer's house, he accompanied her to the town of Wigtoun, and that on that occasion a French boy who is his servant took, without his knowledge, a pair of pistolets with him. The Lords therefore assoilzie the Laird and his brother; and they also assoilzie Alexander, in respect of the process already used against him by the Laird of Gairleis, to whom the Lords remit him for punishment, and because he has declared by his great oath that since the date of that process he has not borne hagbuts or pistolets. Acta 1606-7.

MacLellan of Auchlen against Gordon of Lochinvar for conspiracy for his murder: Decree of absolvitor.

Complaint by Williame M'Clellane of Auchlene, as follows:—Not content with the manifold oppressions on complainer whereof a part is expressed in his former complaint to the Council, Sir Robert Gordoun of Lochinvar has "maist subtellie and craftelie delt and practized" with certain of complainer's own kinsman against his life,—"thinking, gif he mycht get him and his kynnismen yokit in blude, that he wald be the moir able to prosequute his haill name." Thus, on the 11th of April last, Gordoun having sent David Arnot in Chappell to Thomas M'Clellane of Balmanno and his sons, desiring them to come to the Kenmure to confer with him, and William M'Clellane, second son of the said Thomas, having kept the appointment, Gordoun, after a "lang discourse" accusing the complainer of having done many things to the prejudice of the said Thomas and his bairns, at last "discoverit the crueltie of his hairt and desyrit the young man to deale with his fader and brethir to tak in hand to slay the said complenair," promising his protection "efter the deid doing,"—the result having been that, "the said William haveing impairted this mater to his fader, he and his bruther past to the said Sir Robert upoun the day of the said moneth, to have gevin unto him thair ansuer and resolutioun anent his cruell and detestable practize."—Both parties appearing, the Lords assoilzie defender, because he has declared by his great oath that the libel is not true. Page 312. Page 313.

Another charge by the same against the same found proven.

Complaint by the same Williame M'Clellane, tutor of Bombie, against the same Laird of Lochinvar, as follows:—Upon 11th April last, complainer being in the town of Kirkcudbricht, and, "according to his accustomed maner, going to visite the said Sir Robert and his moder, who wes lykewyse in the said toun, and begynning to entir in familiar and friendlie discourse with thame," Gordoun first "begouth to utter outragious and dispytfull speitcheis aganis the said complenair, geveand him sindrie tymes the lie, and calling him a coseyner," and then with his "neve preist to have strickin him upoun the face." Complainer, having been rescued by a number of gentlemen then present, was riding out of the town to keep a "tryst" at the kirk of Ur, when Sir Robert, accompanied by Sir Johnne Gordoun of Murefade, William and Robert Gordonis, his brothers, Johnne Glendoning of Drumrasche, William Irwing, called

Acta 1606-7. Dick's Willie, Niniane Heroun, and James Gordoun, called the Page, his servants, and Hew Gordoun of Grange, with others to the number of forty, all armed, seeing complainer riding out of the town, and "being a little afoir him," turned and "with drawin swordis boisted, minassit, and schorit the said complenair, bidding him pack him, knave."—Pursuer appearing
Page 314. personally, and Sir Robert being also present, but not having entered the other defenders as charged, the Lords find the menacing of the pursuer as aforesaid clearly proved against defenders, and ordain Sir Robert to enter in ward in the Castle of Edinburgh this night, and to remain there till he find caution for himself and the other defenders for the indemnity of pursuer.

Sederunt—Hammiltoun; Caithnes; Abircorne; Uchiltrie; Lovat; Balmerinoch; Roxburgh; Bishop of Ros; Halyruidhous; Buckleuch; Master of Elphingstoun; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Sir James Hay; Sir George Dowglas; Foistersait; Sir Petir Young; Sir James Sandelandis; Sir Johnne Arnot. Edinburgh 21st May.

To denounce Campbell, younger of Glenlyon, at the instance of Robert Henderson.

Complaint by Robert Hendirsoun in the Byris of Murthlie, as follows:—Coline Campbell of Glenlyoun remains unrelaxed from a horning of 25th September 1604 for not restoring to the complainer 95 sheep and one
Page 315. mare, spuilyied by him, or paying the prices of the same. In order to eschew apprehension, he had "reteirit himselff to Duncane Campbell, appeirant of Glenlyoun, his eldest sone"; by collusion with whom, giving "some appeirance and schaw that the said Coline is used as ane presoner," it had been brought about that all persons had "left af the persute of him, as gif he war a poore persone destitute of all moyane and releif."—Charge had been given to the said Duncane to enter his father this day, to the effect he might be committed to ward in the tolbooth of Edinburgh; and now, complainer appearing, but the said Duncane not appearing, and not having produced his father, the order is to denounce the said Duncane rebel.

Act in favour of Sir Robert Gordon of Lochinvar, now in ward in Edinburgh Castle at the instance of William MacLellan.

Supplication by Sir Robert Gordoun of Lochinvar, as follows:—He has been warded in Edinburgh Castle since Thursday last at the instance of Williame M°Clellane of Auchlene (*supra*). Now, although the rest of the defenders in that cause are not petitioner's men (*ante*, p. 366), yet, "seing the said William apprehendis a sinister fear and opinioun that for the said Sir Robertis caus they intend to procure his trouble and disquiet," petitioner
Page 316. is ready to find caution that he shall be harmless of them, provided the finding of this caution shall not make petitioner answerable for the said persons in any other cause. He therefore prays for an Act in his favour to that effect.—The Lords declare that the caution now to be found by Gordoun, for himself and the rest of the said defenders, for the idemnity of William M°Clellane of Auchlene, Johnne Broun, apparent of Land, and William M°Clellane of Mullok, shall not make the said Sir Robert answerable for the said co-defenders in any other action bygone or to come.

Charge to the Laird of MacIntosh to find curators in order to the keeping of the peace among his men.

Charge had been given to Lauchlane M°Intosche of Dunnauchtane, Angus M°Intosche Williamsoun of Termett, and William M°Intosche, to answer this day touching the "guid reull" to be kept by the persons for whom the late Lauchlane M°Intosche of Dunnauchton "wes haldin to ansuer" (*ante*, p. 327). The said Lauchlane now appearing personally, with Mr Henry Kinros, his procurator, and the said Angus and William being also present, and the last two having answered that, as they are the Earl of Murray's men, they cannot be liable for the said Lauchlan's kin and friends, the Lords ordain the three defenders to remain in Edinburgh till the said Lauchlane choose his curators,—so that the Lords may then take order with the said Lauchlane and his curators for the peace of the country. The curators are to be chosen in presence of the Lords of Council and Session and by their advice; and the 28th instant is assigned to Lauchlane for such nomination, because the nearest of his kin on father side and mother side are at present in town. Acta 1606–7. Page 317.

Decree against Campbell of Lundy for debt.

Complaint by David Williamsoun, merchant in Edinburgh, that Coline Campbell of Lundy remains unrelaxed from a horning of 14th July 1604 for not paying him £470 as principal and 100 merks for expenses.—Complainer appearing by George Duncane, there is warrant to the Captain of the Guard to apprehend defender and to inventory his goods for not appearing. Page 318.

Decree for Naismith of Inver against Robert Spalding and others.

Complaint by James Naismith of Inver that Robert Spalding at the Mill of Kethik, and William and Johnne Spaldingis, his sons, remain unrelaxed from a horning of 24th February last for not paying him 293 merks 6s. 8d. as principal and £40 for expenses; and that Robert Alschunder of Newcalsay also remains unrelaxed from a horning for not paying him £160 as principal and £40 for expenses.—Complainer appearing by Johnne Forbes, but none of defenders, there is decree against them as above.

Patrick Ross, messenger, against Lundie of Gorthie and others for deforcement.

Complaint by Patrik Ros, messenger, as follows:—Having been employed by Andro Andirsoun in Over Gortie to execute a decree obtained before the commissary of Dunkeld against David Dow in Gortie, he had passed upon 10th April last to the Mains of Gortie occupied by the said David, and, with consent of George Lundy of Gortie, master of the ground, had poinded a stack of oats in the said David's barnyard. He had entered the stack in Dow's barn in order to "thrasche the samen," when George Lundy, apparent of Gortie, Johne Lundy, his brother, George Lundy, younger son of the said George, Johne Andirsoun, miller in Gortie, and Robert Alexander there, with others, all armed with swords, long staves and other weapons, set upon him, pursued him for his life, and would have slain him if he had not "wan to his awne horse and fled his way." The defenders had not only so deforced him in the execution of his duty, but had intromitted with a black cloak of his worth £30, a hat worth £4, and a great mass of letters, besides the corns in the said barn. —Complainer appearing personally, and the said George Lundy, apparent, appearing for himself and the other defenders, the Lords assoilzie all the defenders, because the pursuer has failed in his proof. Page 319. Page 320.

Acta 1606–7. Complaint by Margaret Lawsoun, relict of Alexander Stewart, and William Stewart, her son, that Harie, Commendator of St Colme's Inch, remains unrelaxed from a horning of 17th July 1602 for not paying for certain years a yearly pension of 12 bolls of victual, half bear half meal. —Said Margaret appearing personally, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for not appearing. Page 321.

Decree for Margaret Lawson and her son against the Abbot of St Colme's.

Complaint by Henry Futhie, elder of Boysaik, as follows :—William Naper, merchant in Edinburgh, assignee to Edmond Arnald, Englishman, alleging that complainer had been put to the horn at the instance of the said Edmond for not furnishing probation against Johnne M°Kiesoun, Johnne Coling, Williame Espling, and David Beg, for verifying the fact of their intromission with certain victual (*see* vol. v. pp. 319, 384), and their non-fulfilment of the other articles of a contract made between the town council of Montrois on the one part, and the complainer and William Guthrie, his cautioner, on the other, had obtained letters charging complainer to answer for his rebellion; and complainer, for his non-compearance, had been apprehended, and is still detained by the Captain of the Guard. Now, as on 3rd February 1603 he had obtained suspension of the horning, and as that suspension yet stands undiscussed, no warrant should have been granted for his apprehension.—Pursuer appearing by Futhie, his son, and William Naper being also present, the Lords ordain Johnne Turneble, one of his Majesty's Guard, keeper of the complainer, to present him before them, that order may be taken with him in the matter. Page 322.

Henry Futhie of Boysack against William Napier

The Synod of Fyff having been appointed to be held in the burgh of Dysert on Tuesday 2nd June next, "it hes pleasit the Kingis Majestie in this meantyme to appoint ane meiting of the Commissionairis of the Kirk and some utheris of the ministerie to be haldin at Halyruidhouse upoun the thrid day of the said moneth of Junii, als wele for planting of the kirk of Edinburgh as for divers utheris materis importing the weill of the Kirk: at the quhilk meiting at Halyruidhouse some of the ministerie of the Synode of Fyff, as alsua those of his Majesteis Counsale who ar nominat Commissionairis for that Synode, of necessitie mon be present: and, seing baith the meitingis and assembleis can not goodlie hald at a tyme, and thair being sic ane necessitie of this meiting at Halyruidhouse as the same may not suffer delay nor continewatioun: Thairfore the Lordis of Secrite Counsale has thocht meit to prorogat and continew the said Synode of Fyff to the nynt day of the said moneth of Junii nixt allanerlie, to the effect that his Majesteis Commissionairis and utheris of that Synode, who ar appointed to be at the meiting of Halyruidhouse, may convenientlie keip the said Synode." Proclamation hereof to be made at the market cross of Dysert, with charge to the ministers of the said Synod to conform themselves.[1]

Meeting of the Synod of Fife prorogated from 2nd to 9th June.

[1] The previous prorogation of the Synod of Fife (*ante*, p. 357 and footnote) had caused much excitement in that county. Although, in obedience to the charge of Council for proroguing it, a good many of the ministers did not appear at Dysart on the day appointed

Charge to six ministers to answer for not entering in the several places appointed for their confinement.

"Forsamekle as Johnne Ros, minister at Blair, Mr Robert Youngsoun, minister at Clett, Mr James Irwing, minister at Touch, Mr William Forbes, minister at Kinbethok, Mr James Greg, minister at Lowdoun, Mr Nathan Inglis, minister at Cragy, being commitit to waird within certane his Majesteis castellis for thair treasonable declynning of his Majesteis judgement; and the Kingis Majestie haveing declairit his Heynes will aganis thame, ordaning thame to be confynned in certane pairtis of this cuntrey quhill forder ordour had bene tane with thame; and, they accordinglie being chairgit to have enterit in the severall placeis appoynted to thair confynning, and for that effect being fred and relevit of the wairdis quhairin they remanit for the tyme (*ante*, pp. 260, 261), they, nochtwithstanding of the said chairge, have not onlie refuisit to entir in the saidis severall pairtis appoynted for thair confynning, bot with that they and every ane of thame hes repairit hame to thair awne dwellingis, and useis and exerceis thair ministerie publictlie and avowedlie, as gif no sic censure wer standing aganis thame,—in heich contempt and misregaird of oure Soverane Lord and his authoritie, and evill example to utheris to commit the lyke contempt heirefter, without remeid be providit: Thairfore ordanis letters to be direct chairgeing the personis particularlie abone writtin to compeir personalie before the saidis Lordis upoun the day of , to answer upoun the said contempt and disobedience, and to underly suche ordour and punischement as salbe tane thairanent, undir the pane of rebellioun." Acta 1606–7. Page 323.

Edinburgh, 23rd May.

Sederunt—Uchiltrie; President; Halyruidhouse; Privy Seal; Advocate; Collector; Justice Clerk.

Anent alleged feud between the Earl of Morton and Lord Maxwell.

William, Earl of Mortoun, and Johnne, Lord Maxwell, appearing personally, and being charged to subscribe assurances *hinc inde*, declare that there is no feud between them, but only some civil actions which they mean to pursue according to law and not otherwise.

Royal Letter from Greenwich, commenting on the dissensions among the Scottish Clergy, ordaining the Provincial Synods to elect deputies to an Ecclesiastical Convention at Holyrood in August next for consideration of these dissensions, proroguing the General Assembly of the Kirk appointed for July to

"Quhairas the incres of the adversareyis of the treuth and contrary professouris hes procedit of nothing so muche as by the dissentioun amangis the ministerie within the kingdome of Scotland, some of whome, by naturall inclinatioun being enemeyis to quyetnes and of turbulent spiriteis, making choise rather to drink in mudye watter then to taist of the clene fountayne, being emboldnet by reasoun of the societie of a

for the meeting, viz., the 28th of April, others did attend. These, being debarred by the magistrates from meeting within the town, assembled on the sands between Dysart and Ravelsheuch, "the raine powring on them"; and it was only after two hours of discussion among themselves that they agreed not to form the Synod, but to adjourn to the new day appointed by the Council order,—viz., the 2nd of June (see Calderwood, vi. 658). This second order for their adjournment, being only for a week, seems to have been accepted without much complaint. Already, however, in consequence of such prorogation orders for the Synod of Fife and the peremptory dealings with the Synod of Perth (*ante*, 362), the question was in the air whether it was not his Majesty's design, as he had virtually stopped General Assemblies of the Kirk, so to stop even the Provincial Synods.

Acta 1606-7. grite many utheris, who, being guyltie to thameselffis of thair awne unworthynes and small giftis, and in that respect out of all hoip of preferment, and thairupoun invyous and uncheritable toward thair bretherin of best qualiteis, do all of thame runne and concur togidder lyke ane heidstrong factioun to upholde and mainteyne anarchie, and thairby to induice disordour and confusioun in that Churche, to the grite hinderance of the progres of the Gospell and the dishonnour and scandaill of thair professioun: And his Majestie, of his princelie cair and fatherlie affectioun to the peace of that Churche, desyreing rathir in tyme to extinguische this fyire of divisioun then to suffer it to grow to ony combustioun, and being evir willing to bring thame to ane uniformitie of myndis and affectionis, did thairupoun appoynt a moist grave, frequent, and frie Assemblie to be keipit at Linlithqu in December last bypast of a grite nowmer of the moist godlie, zealous, and weill affected of the nobilitie, Counsale, and small barronis frome all the pairtis of the kingdome, as also of the moist learned, experienced, wyse, grave, and discreit of the ministerie frome all prisbitereis in grite nowmer; by whois travellis, cair, and wisdome every occasioun and pretext of greif wes in suche moderatioun and godlienes removed that, as the same did yeald his Majestie contentment, so wes every thing done in that Assemblye with a grite and generall applause of all, geving grite hoipis that frome thensefurth thair sould nothing be found bot unitye and concorde in the Churche, and that all thair meittingis thairefter sould be full of peace and love: And thairupoun, by his Majesteis speciall warrand and allowance, it wes speciallie appointed that the nixt Generall Assemblie sould conveyne and hold at Halyruidhous the last Twisday of Julii nixt to cum. Bot his Majestie now persaiveing that, by the meanis of some of those evill disposed, turbulent, and contentious spiriteis, all the proceidingis of that Assemblye ar brocht in questioun and traduiced, and by some no obedyence gevin, and by otheris direct oppositioun maid to the Actis concludit at that Assemblye, and thairwith amangis the bretherine suche distractionis of myndis and bitter exasperatioun one aganes the other as, howsoevir no doubt the meeting of the bretherine, if it wer in love, peace, and charitie, wald do goode in that Churche, so thair is no questioun bot thair conveyneing with a preoccupyed mynd, frauchted with invy and malice, will give the enemy too muche advantage to entir by this breache of thair discord and divisioun to mak himself strong and to waikin thame: And thairfore his Majestie, to preveine the danger that is imminent to the estaite of that Churche by the distractioun of menis affectionis thairin, and that the said Generall Assemblie may be keipit with the grittair tranquillitye and peace, hes thocht meit and expedient that the haill Provinciall Assembleyis within that kingdome sould be keipit and holdin at thair ordinarie placeis of meitting the fourt day of August nixt to cum, and that in every ane of the saidis Assembleis thair be chosin two of the moist godlie, peaceable, wyse, grave, and of best experience, of thair nowmer,

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November, and changing the place of meeting of that Assembly from Holyrood to Dundee.

Royal Letter concerning Church matters.

with power and commissioun to conveyne at Halyruidhouse the xxvii day of August nixt to cum with the remanent Commissionairis of Provinces and with the Commissioneris of the Generall Assemblie and sick of his Majesteis Counsale as it sall pleis his Majestie to appoint and nominat for that effect, thair to confer, reasoun, and conclude by commoun advise upoun the moist convenient remedyis aganis suche evillis whiche, through laik of sufficient preparatioun, mycht fall out at the said Generall Assemblye, that thairafter the same being [? might be] haldin and keipit in suche peciable and quiet maner as mycht bring a trew conforte to the godlie and a terrour to the wicked. And in the meanetyme his Majestie hes thocht expedient that the Generall Assembly, whiche wes appointed to have bene haldin at Halyruidhous the last Twysday of Julii, be continewit and prorogat whill the xxiiii day of November nixt to cum, and that no persone presume to keip the said Assemblye in any place whatsoevir unto the tyme that the meiting of the Commissionairis from the Synodis first preceid. And his Majestie hes appoynted the place of the keiping of the said Generall Assemblye to be in Dundie the day foirsaid, commanding publict intimatioun and proclamatioun to be maid heirof at all placeis neidfull, that nane pretend ignorance of the same,—certifeing all suche as upoun ony pretext whatsoevir sall presume to conveyne and assemble thameselffis contrair the tennour and intent of this proclamation, that they salbe punisched and seveirlie proceidit aganis as contempnairis and dissobeyairis of his Majesteis moist royall commandiementis. Gevin at oure Court of Grenewiche the xxiiii day of May 1607."[1] Acta 1606-7. Page 325.

Edinburgh, 28th May.

Sederunt—Chancellor; Ergyle; Mar; Lowtheane; Uchiltrie; Lovatt; Scone; Balmerinoch; Master of Elphingstoun; Halyruidhouse; Edzell; Quhittinghame; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Foistersait; Sir Johnne Arnot; Mr Petir Young; Sir James Hay.

To denounce Mr Charles Ferme and Mr John Munro, ministers, for disobedience.

As Mr Chairlis Ferme, minister at Fraserburgh, and Mr Johnne Monro, minister, who had appeared before the Council upon 21st instant to answer for escaping from the castle of Doun, and not passing to the place appointed for their warding (*ante*, p. 323), had, on being removed "furth of judgment" till the Lords should determine what was to be done with them, "convoyed thameselffis away, keipit thamselffis quyet foure dayis within the burgh of Edinburgh," and then departed home, "in plane contempt and mokage of justice," the Lords hold the said ministers as not having compeared, and ordain them therefore to be denounced rebels. Page 326.

The Marquis of Huntly and the North Isles.

His Majesty having sent his "will and opinioun anent the offerris maid be George, Marquis of Huntlie, for setling of the North Illis (*ante*, pp.

[1] This curious Royal Letter or Proclamation, though entered at this point in the Minutes of Council, is said by Calderwood (vi. 663) not to have been published at the Cross of Edinburgh till the 29th of June following.

Acta 1606-7. 360–61), with order to the Lords to put that business "to ane poynt with all convenient diligence," the said Lords ordain charge to be given to the Marquis to appear before them on 23rd June, "to heir and sie his Majesteis will and pleasour anent the saidis Yllis," under pain of rebellion.

Charge to the Earl of Mar and Colquhoun of Luss to submit their feud to arbitration.

Understanding that the feud between Johnne, Earl of Mar, and the M°Farlanis, on the one part, and Alexander Colquhoun of Lus and his friends, on the other part, still remains in "verie grite heit," the Lords order charge to be given to the Earl of Mar and the Laird of Lus to
Page 327. appear on 23rd June next, prepared to submit the quarrel to arbitration, under pain of rebellion.

Robert Donaldson against Sir William Cranston, Captain of the Border Guard, claiming redress for spulyie committed on pursuer by a certain Borderer.

Complaint by Robert Donaldsoun, merchant, burgess of Edinburgh, as follows:—In the year 1600 and , while he was returning to Scotland "throw the lait Bordouris" with some horses bought by him in England, Robert Ellott of Glenverrane and others of the "clanes of the Bordouris" reft from him two great horses, with his sword, purse, and all his clothing, and wounded himself. Being informed on that Ellot was in Edinburgh, he had caused apprehend him, of purpose to commit him to ward; whereupon Sir William Cranstoun "tuke the said Robert af the said complenaris hand," promising either to enter him again or else to make redress. Yet Sir William refuses either to enter Ellott or to satisfy complainer.—Donaldsoun and Sir William appearing, the latter explains that it was upon Donaldsoun's complaint that he had sent for Ellot, that the said Ellot had "come to him upoun his word," that he "earnistlie delt
Page 328. with" the said Ellot to give redress, and that Ellot had then been "dismissit upoun promeis of redres." Accordingly, the Lords find that Sir William, as Captain of his Majesty's Guard, should not be burdened "to mak redres of geir quhan, upoun his promeis onlie, he sendis for ony Bordoure man to come in to him, as he did in this case," and therefore assoilzie Sir William from the complaint.

The Earl of Argyle in a case of spulyie.

Complaint by Archibald, Earl of Ergyle, as follows:—He has been lately charged, under pain of rebellion, to pay to Johnne Fraser in Lochanes £20 for each of 14 horses and mares, and 20 merks for each of three score kye reft from Fraser by the late M°Condochy of Inverraw, alleged to be the Earl's man (*see* vol. vi. p. 426). Now, the said reif had been committed in the time of the "troublis" between the Marquis of Huntlie and the Earl of Murray,—in which troubles M°Condochy "wes a speciall assistair" to the Earl of Murray; and in the decree arbitral pronounced by his Majesty between the said parties at feud it was ordained that all herships committed during the feud should be "remitit and dischairgit." Further, the Earl of Mar, as Fraser's master, will testify that he was never worth half the goods alleged to have been taken from him. Further, M°Condochy is not the Earl of Argyle's man, tenant, nor servant. Still he has found caution for payment of the said sums if
Page 329. legally bound.—Both parties appearing, the matter is remitted, with their consent, to the Earl of Mar.

Charge had been given to James Montgomerie at the West Port of the

To denounce James Montgomery f Glasgow.

city of Glasgow, and Andro Harviesoun, cook in Glasgow, to answer this day for harbouring certain excommunicated and trafficking papists, jesuits, and seminary priests.—Harviesoun appearing, Montgomerie, for not appearing, is to be denounced rebel. Acta 1606-7.

Edinburgh, 2nd June.

Sederunt—Chancellor; Uchiltrie; President; Torphechin; Buckcleuch; Bishop of Ros; Halyruidhouse; Incheffray; Edzell; Advocate; Collector; Mr Petir Rollok; Sir Petir Young; Sir Johne Skene of Curriehill; Foistersait; Sir James Hay; Sir Johnne Arnot.

Royal Letter requiring the Council to impose an Oath of Allegiance and Acknowledgment of the Royal Supremacy on all Scotsmen holding civil or ecclesiastical office: Ratification of the same by the Council: Form of the Oath to be imposed.

"The quhilk day Alexander, Erll of Dumfermling, lord heich chancellair of Scotland, presented unto the Lordis of his Majesteis Secrite Counsale the Letter undirwrittin, signed by the Kingis moist sacred Majestie and directit be his Heynes unto the saidis Lordis, of the quhilk letter the tennour followis:—JAMES R. Whereas the incressing nomber of papistis and thair most detestable conspiracyis aganis lauchfull Princes doeth minister moir then just occasioun to the lauchfull Poweris cairfullie to look into thair procedingis and to mak separatioun betuix thame and obedyent goode subjectis, the whiche can not be moir convenientlie effected then by the declaratioun of every good subject [of] his allegeance to his lauchfull Prince, and so muche the rather for that the Pope, by his late bull published, haith prohibited ony obedyence to be yeildit unto us by suche as will acknawledge him for thair soverayne. And, since by divers Actis of Parliament oure authoritie royall is sufficientlie established, and least oure pouer sould appeir les in that oure native kingdome then uther our dominionis whatsoevir, it is thairfore oure will and pleasour that ye caus all personis, of whatsoevir qualitie or conditioun, exerceing whatsoevir place, authoritie or jurisdictioun, or of whatsoevir professioun, eyther civile or ecclesiasticall, by thair solemne oath to acknawlege oure soverayne power over all personis of whatsoevir qualitie or conditioun, and in all causes within the boundis of oure dominionis, and to renunce and forsaik all foreign jurisdictionis, power, or authoritie, and at thair power to assist, fortifie, manteyne and defend oure persone, estate, and all previledgeis, liberteis, and jurisdictionis belonging to us, and nevir to declyne the same, do or attempt ony thing whiche may dirogat thairunto; and that a solemne oath be set doun in those termes to be sworne be all personis as they salbe thairunto required by you or ony other inferiour magistratis haveing frome yow pouer to the effect foirsaid. Whereanent these presentis (to be inacted in the Buikis of oure Prevey Counsale thair) salbe your sufficient warrand. Gevin at oure palice of Whytehall the xxviii day of Aprile 1607: To oure Chancellair and remanent Lordis of our Prevey Counsale of Scotland.—Whilk Letter being red in the audience of the saidis Lordis of Secrite Counsale, and the samyn being at verie grite lenth and with good advise and deliberatioun considerit be thame in every point and heid of the samyn, the saidis Lordis of Secrite Counsale, Page 330.

Acta 1606 7. all in a voce without contradictioun, hes foundin and declairit, and be the tennour heirof findis and declairis, that his Majesties desyre, will, and directioun, specifeit and contenit in the said Letter, is most just, lauchfull, and reasonable, and that no dewtifull and guid subject can or may in reasoun refuse the same; and thairfore the saidis Lordis hes ordanit and ordanis the said Letter to be insert and registrat in the Buikis of Secrite Counsale, and to have the strenth, force and effect of ane Act of Counsale in all tyme cuming; and statuteis and ordanis that all the Lordis of Parliament of this Kingdome, the Lords of his Majesteis Prevey Counsale and Sessioun, the haill memberis of the Colledge of Justice, all prelattis, beneficit personis and ministeris, all commissairis, schireffis, stewartis, baillies, Page 331. baillies of regaliteis, provestis and bailleis within burgh, and all judgeis, officeairis, and magistratis beiring ony publict functioun within this Kingdome, thair deputis and clerkis, and all utheris personis whatsomevir who sal happin to be required, salbe haldin be vertew of this present Act to acknawledge oure said Soverayne Lordis soverayne power and royall authoritie, and to gif thair solemne and grite oath thairupoun in forme, maner, and the wordis as is heirefter particularlie sett doun.—I, A., for testificatioun of my faithfull obedyence to my most gratious and redoubted Soverayne, James, King of Grite Brittayne, France and Ireland, Defendair of the Faith, efferme by this my solemne oath, testifie and declair that I acknawlege my said Soverayne onlie supreame governoure of this kingdome over all persons and in all causes, and that no foreyne prince, pouer, state, or persone, eyther civile or ecclesiasticque, have ony jurisdictioun, pouer, or superioritie over the same; and thairfore I do utterlie renunce and forsaik all foreyne jurisdictionis, poueris and authorities, and shall at my uttermost pouer defend, assist, and mantene his Majesties jurisdictioun foirsaid aganis all deidlie, and nevir declyne his Majestie his pouer nor jurisdictioun. By this my oath, my hand upoun the Holy Evangell: so help me God."[1] Oath of Allegiance.

Alexander, Earl of Dunfermling, chancellor, Andro, Lord Stewart of Uchiltrie, James, Lord of Balmerinoch, James, Lord Torphechin, Waltir, Lord Scot of Buckleuch, David, Bishop of Ros, Johne, Lord Halyruidhous, James, Lord Incheffray, Sir David Lindsay of Edzell, Sir Thomas Hammiltoun of Monkland, advocate, Mr Johnne Prestoun of Pennycuik, collector, Sir Johnne Skene of Curriehill, clerk of register, Mr Petir Rollok of Piltoun, Mr Alexander Hay of Foistersait, Sir Petir Young, Sir James Hay, Sir Johnne Arnot, Mr William Hairt, justice depute, Archibald Prymrois, clerk of his Majesty's taxations, and James Prymrois, clerk of the Privy Council, each individually, "with all reverence and submissioun, upoun thair kneis, thair handis lyand upoun the Holie Evangill, gaif thair solemne and grit oath in the mater abonewrittin, according to the forme of oath abonespecifeit, in every worde." Said Oath taken by the Lord Chancellor and other members and officers of the Privy Council.

[1] This novel Oath of Allegiance, though ordered to be imposed on public or official persons of all sorts, was evidently intended, including as it did an acknowledgment of the Royal Supremacy "over all personis and in all causes," to be a new instrument in the King's hands for coercing the Presbyterian clergy.

Proclamation against hunting in the forest of Mureumont [? Monromon Moor] or within six miles of the King's palaces.

As, notwithstanding the laws against hunting or slaying hares in his Majesty's forest of Mureumont, or within six miles of his castles, palaces, or parks, "certane undewtifull and indiscreit subjectis" are guilty of that offence, "takand the grittair bauldnes to continew in this thair contemptuous doing be ressoun of thair bypast oursicht," there is order to charge all and sundry, by open proclamation at the market crosses of Edinburgh, Linlithqu, Striveling, Dunfermling, Falkland, Forfair, Brechin, and Monrois, not to "mak ony spoyle of his Majesteis gayme, nor to hunt nor slay hairis with houndis, girnis, schote, nor utherwyse," within the said forest or within six miles of the palaces of Halyruidhous, Falkland, Linlithqu, Striveling, and Dunfermling, under pain of warding and fining. Acta 1606-7. Page 332.

Charge to Lord St Colme to answer as keeper of the forest of Glenfinlas.

His Majesty being informed that there is "verie grite spoyle of his Heynes gayme and deir" in his forest of Glenfinlas, there is order to charge Henry, Commendator of Sanct Colme, keeper of the said forest, to answer before the Council on 23rd June next.

Charge to the Commissioners nominated to "sie Constant Moderatoris ressavit" by the Presbyteries to give in their reports in that matter.

"Forsamekle as the personis undirwrittin being nominat and appointed Commissionairis be the Lordis of Secrite Counsale to have repairit and past to the prisbiteryis following to have intreated thame to have establisched thair Moderatouris electit at the Assemblie of Linlithqu, and in cais of thair refuisaill to haif causit execute chairgeis of hoirning aganis thame, and outhir to have reportit thair obedyence in wryte, or then letters of horning dewlie execute, indorsat and registrat aganis thame:— they ar to say, the Erll of Caithnes and Bischop of Caithnes for the prisbiteryis of Sutherland and Caithnes; the Bischop of Ros and Laird of M°Canzie, for the prisbiteries of Tayne and Ardmannach; the Bischop of Murray and Barone of Kilraak, for the prisbiteryis of Inuernes, Forres, and Elgin; the Lord Saltoun, for the prisbiterie of Dunbennane; the Lairds of Findlater and Banff, for the prisbiteryis of Collene, Banff, and Deir; the Lairdis of Leyis and Muchallis, for the prisbitereis of Ellein and Gariauch; the Lord Forbes, Laird of Lethintie, and , for the prisbiteryis of Aufurde and Kincairdin O'Neill; the Provest of Abirdene, for the prisbiterie of Abirdene; the Lairdis of Glenbervie and Arbuthnot, for the prisbiterie of Fordoun; the Lord of Scone, the Lairdis of Balvaird, Balmanno, and Lethintie, for the prisbiteryis of Perth and Dunkeld; the Lord of Scone for the prisbiterie of Couper; the Lairdis of Kilsyth and Polmais, for the prisbiterie of Striveling; the Lairdis of Wauchtoun and Clerkingtoun, for the prisbiterie of Haddingtoun; the Laird of Broxmouth, for the prisbiterie of Dumbar; the Lairds of Eist Nesbitt and Rentoun, for the prisbiterie of Chirnesyde and Duns; the Laird of Phairnyhirst and Sir Robert Ker of Ancrum, for the prisbiterie of Jedburgh; the Laird of Blakbarony and Sir Jedeone Murray, for the prisbiterie of Peblis; the Laird of Calderwoode and Sir Johnne Hammiltoun, for the prisbiterie of Hammiltoun; the Lairdis of Mynto and Houstoun, for the prisbiterie of Dunbertane; the Lord Uchiltrie and Laird of Carnell, for the prisbiterie of Air; the Lairdis of Drumlangrig, Cloisburne, and Provest of Drumfreis, for the prisbiterie of Drumfreis; the Laird of Bombye and Tutour of Bombye, for Page 333.

Acta 1606-7. the prisbiterie of Kirkcudbricht; the Lairdis of Gairleis and Barnebarroch, for the prisbiterie of Wigtoun:—nevirtheles, the saidis personis hes not as yit reportit thair diligence in the executioun of thair said commissioun, sua that his Majestie and his Counsale ar nawyse suir how mony of the saidis prisbiteryis hes gevin thair obedyence and who ar dissobedyent. Thairfore ordanis letters to be direct chairgeing the saidis Commissionairis to compeir before the saidis Lordis at certane dayis, bringand with thame ane perfyte and formaill reporte in wryte of thair diligence in the executioun of the said commissioun and of the obedyence of the saidis prisbitereyis, and for these who hes dissobeyit that they reporte letters of horning dewlie execute, indorsat, and registrat aganis thame, conforme to the expres directioun specifeit and contenit in thair said commissioun, undir the pane of rebellioun."[1]

Royal Declaration concerning horners passing to England to elude justice.

"Forsamekle as the Kingis Majestie being certanelie informed that thair is divers personis of this kingdome, who being denuncit rebellis and put to the horne at the instance of his Heynes guid subjectis, thay, to elude justice and to frustrat his Heynes subjects of that personall executioun quhilk, be the lawis of the cuntrey, is usuall aganis thame, makis thair resorte and repair to the realme of England and to his Heynes court and citie of Lundone,—not spairing, gif they may haif the commoditie, to repair to his Heynes awne presence, as gif they war answerable and frie subjectis: And his Majestie being nawyse willing that his kingdome of England salbe a girth to suche rebellis, and that thair residence and remaneing in England sall liberat thame frome the ordinair executioun of the lawis of this kingdome: Thairfore his Majestie hes signifeit and declairit unto the Lordis of his Majesteis Prevey Counsale that his Heynes, upoun informatioun to be gevin to his Majestie be the saidis Lordis of the resorte and repair of ony suche rebellis to his Heynes court or citie of Lundone, will gif present ordoure and directioun alswele for apprehending and punischeing of the rebellis contempt as for compelling of thame to do reasoun and mak satisfactioun to thair creditouris.—Of the quhilk his Majesteis moist gratious and princelie resolutioun, tending sa fer to the conforte and benefite of his Majesteis gude subjectis, the Lordis of Secrite Counsale ordanis publicatioun to be maid be oppin proclamatioun at the mercat croce of Edinburgh, quhairthrow nane pretend ignorance of the same."

Thomas Fisher and William Speir exonered for their service in France and England.

Page 334. The Lords, being informed by his Majesty and the Privy Council of England that Thomas Fischeir and William Speir, merchants, burgesses of Edinburgh, commissioners appointed by the burghs of this kingdom for "collecting of the trew state of those previledgeis quhilkis ar injoyed be

[1] From this order, relating specifically though it does to only 33 of the total number of the Presbyteries of Scotland, it is to be inferred that even now, in June 1607, six months after the Act of the Linlithgow Convention instituting constant moderatorships of Presbyteries, only a proportion of the Presbyteries had accepted the constant moderators provided for them by the Act. The Presbytery of Perth, we learn from Calderwood (vi. 659), had succumbed to threats of horning if they still refused (*ante*, pp. 348–349), and had admitted Mr Alexander Lindsay to the post.

this natioun in the trade with France," have "dewtifullie caryed and behavit thameselffis in the executioun of that commissioun and in all thair proceidingis sensyne during thair stay and attendance upoun the Parliament of England," and having also themselves received the report of the said commissioners, find and declare that they have honestly discharged their trust, and therefore exoner them of the same. Acta 1606-7.

Commission for auditing accounts due by his Majesty to the burgh of Edinburgh.

His Majesty having, by his letter signed with his hand, of date 8th May last, ordained the Council to "tak tryall" of his Highness's debts to the town of Edinburgh, the Lords grant commission to David, Bishop of Ros, Johnne, Lord of Halyruidhous, Sir Thomas Hammiltoun of Monkland, advocate, Mr Johnne Prestoun of Pennycuke, collector, and Sir Johnne Skene of Curriehill, clerk of register, or any four of them, to meet on Monday next and consider all accounts between the town council of Edinburgh and his Majesty, and to report thereanent that his Majesty may be informed.

Warrant to continue the custom of distributing blue gowns to the poor folks on his Majesty's birthday.

Understanding that it has been "ane verie ancient and lovable custome within this kingdome that every yeir, upoun the Kingis Majesteis birthday, thair wes a nomber of blew gownis providit and gevin to sa mony auld poore men as aggreit with the nomber of his Majesteis yeiris, togidder with a purse and sa mony Scottis schillingis to every ane of tham as wes answerable to the nomber of his Majesteis saidis yeiris," and finding it right that the said custom shall be continued, the Lords ordain the Treasurer to provide yearly so many blue gowns as agree with his Majesty's age, with the purses and silver accordingly, and to deliver the same to poor aged persons as of old. Page 335.

Commission for auditing the accounts of Thomas Fisher and William Speir.

The commissioners for auditing the accounts due by his Majesty to the burgh of Edinburgh (*supra*) are also to audit on Monday next the charges and disbursements of Thomas Fischer and William Speir, burgesses of Edinburgh, in their late commission to England (*ante*, p. 377), and to report on the same to the Council.

Charge to Lord Inchaffray as keeper of the forest of Glenartnay.

James, Lord Incheffray, appearing and being charged with the fact of a "grite distructioun and spoyll of his Majesteis gayme and deir" in the King's forest of Glenartnay, whereof, in the absence of James, Earl of Perth, he is keeper, undertakes for the better preservation of the said "forest and deir" in future (*ante*, p. 376).

Logan of Bonington and the Tutor of Warreston committed to ward.

As, notwithstanding the assurances between George Logane of Bonnytoun and Kincaid, tutor of Wareistoun, "they daylie mak provocatioun ane to another," charge had been given to them to answer.—Both appearing, the Lords, "knawing perfytlie how oft they have maid commotioun," ordain them to be warded in the Castle of Edinburgh. Page 336.

Edinburgh, 4th June.

Sederunt—Chancellor; Lowtheane; Uchiltrie; Balmerinoch; Bishop of Sanctandrois; Bishop of Ros; Halyruidhouse; Master of Elphingstoun; Privy Seal; Justice Clerk; Advocate; Collector; Spott; Sir Johnne Arnot; Foistersait; Clerk of Register; Sir James Hay; Elimosinar.

Acta 1606-7. George, Archbishop of St Andrews, , Bishop of Galloway, Andro, Bishop of the Isles, Johnne, Earl of Tullibardin, and Sir James Dowglas of Spott, give their "solemne and grite aith for acknawlegeing of oure Soverane Lordis royall power and authoritie, according to the forme of aith in every word of the Act abone specifeit" (*ante*, p. 375). The Archbishop of St Andrews and others take the Oath of Allegiance.

Complaint by Mr William Naper, eldest son and apparent heir of William Naper of Wrichtishoussis, that George Seytoun of Parbroith, Johnne Logane of Colstoun, and James Logane, his son, fiar thereof, remain unrelaxed from a horning of 26th May last for not paying him 6000 merks as principal and £500 for expenses.—Complainer appearing, Page 337. there is warrant to the Captain of the Guard to apprehend the defenders and inventory their goods for their non-appearance. Decree against Seton of Parbroath and others for debt.

Complaint by Michaell Gilbert, son and heir of the late Mr Thomas Gilbert, advocate, that Gilbert, Lord Somervell, remains unrelaxed from a horning of 27th April last for not relieving him at the hands of Mr John Dempster, advocate, of a sum of 300 merks, with the byrun annual rents thereof, and so freeing him from a band, dated 3rd March 1590, whereby his said father became cautioner for the late Hew, Lord Somervell, and the late Williame, Master of Somervaill, to the said Mr Johnne "aganis all deidlie."—Complainer appearing by Archibald Page 338. Douglas, macer, there is decree as above against defender for non-compearance. Decree against Lord Somerville for not relieving Michael Gilbert of an obligation.

Complaint by Niniane Logie, burgess of Abirbrothok, that David Betoun of Hospitelfeild remains unrelaxed from a horning of 30th March last for not paying him £101 as principal, with £30 for registering his obligation, and £20 for expenses. Complainer appearing personally, decree as above against defender. Decree against David Beaton for debt.

Page 339. Complaint by James Flemyng of Oxgang, as follows:—Upon "sinister" information made to the presbytery of Glasgow by the complainer's "unfreindis," to the effect that he had committed incest with Jonet Kincaid, his wife's sister, the said ministers had cited him before them; and, although he had offered to purge himself of the said crime either by his oath or in any other lawful way, nothing will satisfy them but a "tryall and probatioun be witnessis,"—for which purpose he was summoned before them on 27th May last. Now, the alleged crime being capital, the trial thereof ought to be by an assize in a criminal court, and it is not the custom that in a criminal cause "ane probatioun be witnessis sall preceid the lauchfull criminall tryall." Farther, it is quite against law for the said presbytery "to usurpe sic a soverayne authoritie and jurisdictioun upoun thame to cognosce in materis importing lyf and death."—Charge had been given to Mr Patrik Schairp, moderator of the said presbytery, and to Mr Johnne Bell, Mr Archibald Glen, and Mr James Stewart, all ministers of the said presbytery, to answer. Pursuer and Schairp appearing, the Lords discharge the presbytery of all further pro-
Page 340. ceedings, and ordain Flemyng to find caution in £1000 before leaving Edinburgh to answer before the justice-general when required. James Fleming of Oxgang against the Presbytery of Glasgow for unconstitutional proceedings against him.

Decree against Sir William Ochterlony for debt.

Complaint by Alexander Bruce, cutler and burgess of Edinburgh, that Sir William Auchterlony of Kellie remains unrelaxed from a horning of 9th April last for not paying him £1000 as principal and 300 merks for expenses.—Complainer appearing by Johne Sinclair, there is warrant to the Captain of the Guard to apprehend defender and to inventory his goods for not appearing. Acta 1606–7.

Charge to the Synod of Fife to admit the Archbishop of St Andrews as their moderator.

"Forsamekle as, at the Assemblie of the Kirk keipit and haldin at the burgh of Linlithqu in the moneth of last bypast, and assisted with a verie frequent nomber of the Nobilitie, Counsale, and Estaittis of this kingdome, it wes ordanit that the Moderatour of every synode sould be nominat and chosin out of the Moderatouris of the prisbitereis quhair [? of] the synode consisted, and gif thair be a Bischop within the synode that the Bischop salbe Moderatour of the synode, as in ane Act of the said Assemblie maid to this effect at lenth is contenit: and seing the Synode of Fyff is appointed to be haldin at the burgh of Dysart upoun the nynt day of Junii instant, necessar it is that the Archibischop of Sanctandrois, who is ane of the nomber of that Synode, be nominat, electit, and chosin Moderatour of the said Synode, conforme to the said Act of Linlithqu: Thairfore the Lordis of Secrite Counsale ordanis letters to be direct chairgeing the bretherine of the ministerie of the said Synode to ressave and admit the said Archibischop of St Androis as Moderatour of the said Synode within three houris nixt efter the chairge, undir the pane of rebellioun, &c.; as alsua chairgeing the said Archibischop to accept that chairge upoun him and to use and exerce the same in that Synode within thrie houris nixt efter he beis chairgit thairto, undir the pane of rebellioun, &c.; and, gif the saidis personis or ony of thame failyie in the premissis, to denunce thame rebellis and put thame to the horne and to eschete, &c."[1] Page 341.

Three new Councillors.

Mr William Melville of Tungland, Andro Weymes of Myrecairny, and Sir James Douglas of Spot, are admitted of the Council, conform to his Majesty's warrant in writing, and give their oath *in communi forma*.

Decree against Patrick Boyd and son for debt.

Complaint by Johnne Robertsoun, merchant, burgess of Perth, that Patrik Boyde, elder of Pitikindie, and Patrik Boyd, his son and apparent heir, remain unrelaxed from a horning of 9th May last for not paying him £180 as principal and £20 for expenses. Complainer appearing by Archibald Douglas, macer, there is warrant to the Captain of the Guard to apprehend defenders for non-compearance. Page 342.

[1] Here, at length, we have the definite assumption by the King and Council, already implied in their dealings with the Synod of Perth (*ante*, pp. 347–348), that the Act of the Linlithgow Convention had provided not only for Constant Moderatorships of Presbyteries, but also for Constant Moderatorships of Provincial Synods,—ruling (1) that the moderator of every Synod should be chosen out of the moderators of the Presbyteries composing the Synod, (2) that, if there were a bishop within any Synod, he should be the moderator of that Synod. The clergy, as we have seen, denied that there was any such item among the arrangements made by the Linlithgow Convention, and had again and again demanded production of the authentic Act of the Convention, that it might be seen whether this was the case or not (*ante*, p. 344, and pp. 349–351, footnotes). The demand had not yet been complied with.

Acta 1606-7.

As there are "daylie great nomberis of beggarlie people transported be sey furth of this kingdome to England, who dureing thair stay and abod thair dois nothing at all, bot ather beggis oppinlie or then continewalie importunis his Majestie with their petitionis, to the grite reproche and sclander of this natioun," the Lords ordain all skippers and mariners to be charged at their highest peril, by open proclamation at the sea-ports, not to receive into their ships for England any "beggarlie passingeris" without the Council's licence. Act against transporting beggarly Scots into England.

Complaint by Johnne Auld, notary in Dysart, that William Davidsoun in Balwerie-mill remains unrelaxed from a horning of 3rd February last for not paying him 322 merks as principal and £50 of expenses. Decree for John Auld in Dysart against William Davidson.

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Pursuer appearing by James Swyntoun, there is warrant to the Captain of the Guard to apprehend defender for non-compearance.

Complaint by William Douglas, son of Adam Douglas of Wattersyde, that James, Commendator of Melros, remains unrelaxed from a horning of 28th April last for not paying him £40, disponed to him in pension furth of the said abbacy, and resting owing to him by the Commendator yearly since 1588, extending to 19 years and in money to £720.— Decree for William Douglas against the Commendator of Melrose.

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Pursuer appearing personally, decree as above against defender for non-compearance.

Complaint by the minister and session of the West Kirk of Edinburgh, as follows:—The late Mr Robert Pont, their minister, having made choice of a spot of their kirkyard for his burial place, "and, with the consent and guid lykeing of the said kirk, haveing causit dresse ane stone for his buriall, quhairon twa or thrie epitaphis, writtin be himselff, were drawn," this stone "wes set at the heid of the said buriall place, quhair the same hes studin sensyne." But lately Margaret Smyth, relict of the said Mr Pont, has, "upoun a vane curiositie," removed the said stone, and caused another, "altogidder disconforme," to be prepared as a substitute. The pursuers, out of their "reverent regaird" for the late minister, and their wish to see his own will obeyed, had ordained the defender to remove this new stone and to suffer the "stone made and dressit be hir said husband to rest upoun his corpis"; but she, "disdening and contempning the saidis complenairis, as alsua the prisbiterie of Edinburgh, to quhom sche submitit hirselff in this mater," has not only refused, but, "upoun senister informatioun maid to the Lordis of Secrete Counsale," has obtained ordinance from them that the "stone made be hir salbe sett up to stand."—The pursuers appearing by Alexander Fairlie of Braid, and Mr Richard Dicksoun, minister at the said kirk, and defender being also present, the Lords ordain the pursuers to permit the stone made by her to remain instead of that made by her husband. The Kirk-Session of St Cuthbert's against Margaret Smith, widow of the late Mr Robert Pont, for removing the tombstone of her late husband and substituting another: Decree in her favour.

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Complaint by Mr James Mairtene, minister at Petirheid, that, when he had sown corns and planted herbs in his yard, lying close to his manse, Mr Thomas Bissett, sometime minister at Petirheid, with others, came in April last and with spades and shovels delved up the said corns, herbs, Mr James Martin, minister at Peterhead, against Mr Thomas

Bisset, formerly minister there.

and flowers, and "maid the fassioun of the sawing of the same over agane."— Both parties appearing, the Lords ordain defender to be committed to ward in the tolbooth of Edinburgh and detained there till he find caution in 500 merks for the indemnity of pursuer. Acta 1606–7

Charge to the curators of Haitlie of Mellerstanes to subscribe the submission of his feud with Home of Eccles.

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James Haitlie of Mellirstanes, and Marione Lummisdane, his mother, on the one part, and Mr James Home of Ecclis, on the other part, having lately, at the King's command, subscribed a submission of the feud between them, and it being necessary, in respect of the minority of Haitlie, that his curators should also subscribe the submission, there is order to charge Sir Johnne Home of Coldounknowis, and William Naper, burgess of Edinburgh, as curators to the said James, and Edmestoun of that Ilk, Sir Johnne Ker of Hirsale, Mow of that Ilk, Andro Haitlie, brother of the late Johnne Haitlie of Mellirstanes, Andro Haitlie of Sneip, Mark Haitlie in Fawnis, Lummisdane of Blanarne, and Alexander Haitlie of Lambden, as nearest friends of the said Laird of Mellirstanes, to subscribe the said submission or to show cause to the contrary before the Council on 11th instant.

Edinburgh, 9th June.[1]

Sederunt—Commissioner; President; Uchiltree; Bishop of Ros; Master of Elphingstoun; Advocate; Spot; Justice Clerk; Mr Petir Rollok; Sir Lues Craig; Quhittinghame; Kilsyth; Clerk of Register; Myrecairny; Sir Johne Arnot.

Lord Cathcart and others take the Oath of Allegiance.

Allane, Lord Cathcairt, Sir Archibald Douglas of Quhittinghame, Sir William Levingstoun of Kilsyth, and Mr Lues Craig, one of the senators of the College of Justice, give their oath of allegiance according to the form dated 2nd June (*ante*, p. 375).

Mr Lewis Craig admitted of the Council.

By warrant signed by his Majesty Mr Lues Craig is admitted one of the ordinary number of the Council and gives his oath in *communi forma*.[2]

[1] On this day the Synod of Fife did hold its twice-adjourned meeting (*ante*, p. 357, and p. 369) at Dysart. The appointed Commissioners for the King were present (see *ante*, p. 344); and Mr James Nicolson, who had been moderator of the Linlithgow Convention and was now Bishop-depute of Dunkeld, was also present, to urge the great matter of the reception of Archbishop Gledstanes of St Andrews to be moderator of the Synod. The opposition, though it did not take so violent a form as that at the recent Synod of Perth (*ante*, pp. 349–351, footnote), was formidable enough,—Mr William Cranston, who was in the chair as previous moderator, particularly distinguishing himself. Archbishop Gledstanes was very severely handled by the assembled brethren; and Mr Nicolson was put to the greatest straits by their persistent inquiries as to the real tenor and wording of the Act passed in the Convention over which he had presided. They dared him to say that anything about Constant Moderatorships of Provincial Synods had been determined by that Act in its original form, and dwelt on the fact that, though what purported to be the Act was read over to them, an authentic copy was still refused. For further details see Calderwood, vi. 665–666. At last, when matters had come to a kind of challenge between the Archbishop and the opposing brethren as to "whose sword was sharpest,"—*i.e.*, whether the "horning" by the civil authorities with which the opposing brethren were threatened should not be met by an immediate "excommunication" of the Archbishop,—the Synod broke up, having adjourned itself to the end of September.

[2] This new Councillor, styled here "Mr Lues Craig" though he had been "Sir Lewis Craig" and a judge of the Court of Session for more than two years, was the eldest son of the more celebrated lawyer and scholar,

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As David, Master of Crawfurd, who has been long at the horn for the slaughter of Sir Waltir Lindsay of Balgay, is at present in the burgh of Edinburgh, there is order to charge the bailies of Edinburgh to make search for him and, if they apprehend him, to "appoint some personis to guaird him, useing him alwyse courteouslie as becometh a persone of his estate." Charge for apprehending the Master of Crawford, now in Edinburgh.

Upon 5th instant, while Alexander, Lord of Spynie, was "gangand in peciable and quiet maner upoun the hie streit of this burgh of Edinburgh at the stair fute of his ludgeing within the same, recreating himselff efter his supper," David Lindsay, apparent of Edzell, his own sister's son, accompanied by Andro Stratoun, son of the Laird of Lowrestoun, Thomas Lindsay, bastard son of Sir David Lindsay of Edzell, Home, son of the Goodman of the Heuch, George Lindsay, brother of the Laird of Covintoun, Hary Lindsay, son of the Goodman of Kynnettlis, and Mr Johnne Lindsay, minister at Lochley, with others, all armed with secrets, plaitsleeves, gauntlets, swords, and with hagbuts and pistolets, came to the said Lord at ten hours at even, and, before he was aware of them, shot three pistolets at him. James Tweedy of Drummelyeir, then in Lord Spynie's company, had been shot "alangis his ribbis and throw the airme"; but, Lord Spynie having by the providence of God escaped the shot, the said persons set upon him with their swords, wounded him in the head, and left him for dead. There is therefore order to charge young Edzell and his accomplices, at the place of Edzell or by open proclamation at the market crosses of Edinburgh and Forfair, to appear before the Council on 25th instant to answer for this "moist vyld and detestable insolence in the persute of the said Lord, being ane of his Majesteis Prevey Counsale and the said Davidis awne uncle, under silence of nycht."[1] Charge to David Lindsay, younger of Edzell, to answer for assault on his uncle, Lord Spynie.

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Thomas Craig (1538?—1608). As he was now on the bench, his venerable father had often to plead before him; and the tradition is that on such occasions Sir Lewis always sat uncovered, though it was the custom for judges then to wear their hats in Court.

[1] As Lord Spynie died within a few days of the wounds he had received, this brawl in the High Street of Edinburgh on the evening of June 5, 1607, became a matter of great consequence.—It had its origin in a feud among the different branches of the Lindsay family, and connects itself with the history of that family as it may be read in Lord Lindsay's *Lives of the Lindsays*. The chief honour in the family was the Earldom of Crawford; and, by a temporary interruption in the main line of descent, the 9th Earl of Crawford had been a David Lindsay of the Edzell branch of the Lindsays. On his death in 1570 the Earldom had reverted to the main line in another David Lindsay, his kinsman. This David Lindsay, 10th Earl of Crawford, who had married a daughter of Cardinal Beaton, had left three sons by that marriage. The eldest of these, David Lindsay, succeeded him as the 11th Earl, while the second, Alexander Lindsay, created Lord Spynie in 1590, is the Lord Spynie now mortally wounded. For antecedents of this Lord Spynie in his Privy Councillorship and in his political conduct generally, and for occasional particulars about his brother, the 11th Earl of Crawford, see vols. v. and vi. of this Register, by the indexes.—The "Master of Crawford" who is the subject of the entry immediately preceding the present was David Lindsay, eldest son of the 11th Earl of Crawford, and was therefore Lord Spynie's nephew. He was already "notorious for lawlessness of conduct." In particular, there was remembered against him the slaughter of his kinsman, Sir Walter Lindsay of Balgays, on the 25th of October 1605 (see *ante*, pp. 143–144). Denounced rebel for non-appearance to answer for that offence, he had ever since eluded justice,

Charge to Mr John Bell, minister at Glasgow, to preach in Edinburgh as one of a leet chosen to fill a vacant place in the ministry there.

"Forsamekle as, the Kingis Majestie haveing a speciall cair and rememberance of the kirk of Edinburgh, quhairin thair is divers vacand places of the ministerie, and, being desyrous to haif the same vacand placeis providit and filled with godlie and leirned ministeris, his Majestie for that effect gaif in lyte to the magistratis of the burgh of Edinburgh foure chose personis of the ministerie, to the effect ane of thame mycht be nominat and chosin to supplie ane of the saidis vacand places: quhilkis foure personis, lyted be his Majestie as said is, being brocht before the Commissionairis of the Kirk who wer convenit laitlie at Halyrudhouse upoun the third day of Junii instant, they war ordanit be the saidis Commissionairis to have preichit in the kirk of Edinburgh,—quhairthrow the people and congregatioun thairof mycht be the bettir resolved in thair electioun,—and Sonday last, the sevint of Junii instant, wes appointed to Mr Johnne Bell, minister at Glasgow, ane of the personis lyted, to haif preichit in the said kirk of Edinburgh: nevirtheles, the said Mr Johnne, misregairding the ordinance and directioun of the saidis Commissionairis, depairtit and past hame, planelie refuising to preiche in the said kirk, wherethrow the godlie course set doun be his Majestie for planting and setling of that kirk is verie fer frustrat and delayed. Thairfore the Lordis of Secrite Counsale ordanis letters to be direct chairgeing the said Mr Johnne Bell to addresse himselff to the said burgh of Edinburgh in dew and lauchfull tyme and to preiche in the kirk of Edinburgh upoun Sonday the twenty ane day of Junii instant, to the effect the congregatioun thairof may thairefter proceid to thair nominatioun and electioun of ane of the personis lyted, as said is, undir the pane of rebellioun." Acta 1606–7.

Edinburgh, 11th June.

Sederunt—Chancellor; Linlithqu; Lowtheane; President; Uchiltrie; Roxburgh; Scone; Master of Elphingstoun; Bishop of Page 349.

though apparently going about freely enough. He was in Edinburgh, at all events, on the 5th of June 1607; and the brawl of that day, in which Lord Spynie was mortally wounded, arose from a determination of his kinsman, the younger Lindsay of Edzell, to take that opportunity of revenge upon him for the slaughter of their common relative, Lindsay of Balgays.—This younger Lindsay of Edzell, and the Edzell Lindsays generally, had also been already in trouble for lawlessness (see the case of "Edzell and Pitarrow" *ante*, pp. 60–62); and it seems to have been a desire to prevent mischief between the two young men that brought Lord Spynie, who was the uncle of both, into the conflict between them. He was walking up the High Street, it appears, in company with the one nephew, the Master of Crawford, Sir James Douglas of Drumlanrig, and others, when they encountered the other nephew, young Edzell, and the rest of the persons mentioned in the present Act, all armed and in wait for the Master of Crawford. Sword-strokes and pistol-shots were exchanged between the two parties; and the Master of Crawford, Drumlanrig, and Lord Spynie were all wounded,—the last by "a pitiful mistake," inasmuch as young Edzell had the greatest regard for him. See Chambers's *Domestic Annals of Scotland*, i. 406, and Spotswood, 504.—Young Edzell fled in horror to his paternal property in Angus; and the accident or crime was to be a serious affair for him, his father, and the rest of the Edzell family.—Spotswood, in noticing Lord Spynie's death, pays this tribute to his memory: "The nobleman's death was much regrated, for the many good parts he had, and the hopes his friends conceived that he should have raised again that noble and antient house of Crawford to the former splendor and dignity: all which perished with him,—be that was in place and escaped the perill [*i.e.*, David Lindsay, now Master of Crawford, but afterwards 12th Earl of Crawford] being a base unworthy prodigall, and the undoer of all that by the virtue of his ancestors had been long kept together."

Acta 1606-7.

Sanctandrois; Bishop of Ros; Halyruidhous; Justice Clerk; Privy Seal; Quhittinghame; Sir Robert Melvill; Advocate; Collector; Spott; Myrecairny; Mr Lues Craig; Foistersait; Sir Johnne Arnot; Kilsyth; Clerk of Register; Conservator.

Earl of Linlithgow and others take the Oath of Allegiance.

Alexander, Earl of Linlithqu, Robert, Lord of Roxburgh, David, Lord of Scone, Mr George Grahame, Bishop of Dunblayne, Sir Robert Melvill of Bruntiland, and Sir Robert Dennystoun give their oath of allegiance according to the form specified in the Act of 2nd instant (*ante*, p. 375).

Prosecution of Mr William Row, Mr Henry Livingstone, and other members of the Synod of Perth, for contumacious proceedings in the late meeting of the Synod in the matter of the election of a Constant Moderator: Mr Row warded in Blackness, and Mr Livingston more slightly punished on acknowledgment of his error.

" Anent oure Soverane Lordis letters reasit at the instance of Sir Thomas Hammiltoun of Monkland, knycht, his Majesteis Advocat, for his Heynes interesse, makand mentioun that, quhair David, Lord of Scone, and the Lairds of Balvaird, Balmanno, and I ethindie, being directit in commissioun frome the Lordis of his Heynes Secrite Counsale to the prisbiterie of Perth to urge thair obedience and conformitie to the Act of the Assemblie at Linlithqu anent the ressaveing and admitting of Mr Alexander Lindsay, persone of Symedois [? St Madois], for thair Constant Moderatour, and the saidis commissionairis accordinglie haveing past to the said prisbiterie upoun the xxv day of Februair last, and haveing intreated thame to ressave thair said Moderatour, and finding thame nawyse resolvitt in that mater, the saidis commissionairis gaif unto thame thair nixt prisbiterie day to be advisit thairanent: At the quhilk day they being lykewyse unresolvit, thay upoun thair awne earnist sute and requeist procureit ane new delay and continewatioun to the ellevint day of March last bypast. At the quhilk day the said Lord of Scone and the Laird of Balmanno past to the said prisbiterie, and delt and travellit with thame to ressave thair said Moderatour, and, they being moir refracter and unresolute at that tyme nor at ony tyme preceiding, the saidis commissionairis wer forcit to execute chairges of horning aganis thame to that effect; for obedience of the quhilk chairge, and not for ony regaird of thair dewtie to his Majestie, they ressavit and acceptit thair said Moderatour, as ane instrument beiring thair approbatioun and acceptatioun of him beiris, as in ane Act of thair prisbiterie, extant in the handis of Johnne Young, thair clerk, beiris. And now laitlie, the Kingis Majestie and the Lordis of his Heynes Prevey Counsale haveing nominat and appointit the said David, Lord Scone, and the Lairdis of Balvaird and Balmanno as his Heynes commissionairis to the Synode of Perth appointit to be haldin at the said burgh of Perth upoun the sevint day of Aprile last, the saidis commissionairis, for dischairge of thair commissioun, past to the said burgh the day foirsaid, and, efter the ordinarie sermone maid be Mr William Couper, quhilk endit about nyne houris, the said Lord of Scone directit and send Henry Eldair, toun clerk of the said burgh, and twa of the counsale thairof to Mr William Row, quho, as the moderatour of the preceiding Synode, wes to mak the sermone to the Assemblie, to intimat unto him his Majesteis commissioun foirsaid and to move and intreat him in his Heynes name to behave himselff modest in his sermone, and to

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utter no speitcheis quhilkis mycht gif occasioun of distractioun to the bretherine, or to preocupy thair voittis or opinionis. Nevirtheles, the said Mr William behavit himselff verie seditiouslie in that sermone, and be his speitcheis cullouredlie steirit up the bretherine on nawyse to gif obedyence to the saidis commissionairis. And, he haveing endit his sermone about twa of the cloik in the efternone, quhilk began at ten afoirnone, intimatioun and wairning wes gevin to the bretherine to remove and tak thair refreschement, and to convene and meit agane at thrie of the efternone; and, the saidis commissionairis luiking for the preceis keiping of the appoynted hour of meiting, the saidis ministeris, nochtwithstanding, resolveing to do thair turne afoir the saidis commissionairis sould get knawlege of thair convening, they prevenit the appointed tyme be half ane hour, and convenit and met be half houre to twa, and with mair nor ordinarie speid proceidit to lyteing and nominatioun of thair Moderatour,—misknawing altogidder the saidis commissionairis, without quhais presence it wes not lauchfull for thame to convene, and disdanefullie refuising to stay sa lang space upoun thame as they mycht come frome thair ludgeing, they being requeistit thairto be the beddill of the kirk and be ane honnest man of the toun, who wer directit of thame for that purpois,—and they sa fer proceidit in the electioun of thair said Moderatour afoir it wes possible to the saidis commissionairis to come frome thair ludgeing, that of the haill prisbitereis quhairof that Synode consistis thair restit onlie ane to voit. And, the saidis commissionairis being come unto thame and modestlie objecting unto thame the neglect of thair dewtie to his Majestie in thair misknawing of his Heynes saidis commissionairis and convening without thair presence, or without ony wairning or intimatioun maid to thame of thair convening, the saidis ministeris tantinglie answerit that the ringing of thair bell wes ane lauchfull wairning, and the said Mr William Row, with the lyke disdayne, avowed in presence of the said Assemblie that he durst not reid his Majesteis commissioun, quhilk, he granted, wes send unto him be the said Lord of Scone, his Heynes commissionair, that moirning, for feir that it sould have preocupyed him in his sermone. Alwyse, the saidis commissionaris haveing patientlie comportit with that indignitie done unto thame, they desyrit the bretherine that, albeit they wald not stay upoun thame, that now thair commissioun mycht be red and admitit. Quhairupoun a grite dispute and altircatioun arois amang thame, some of thame allegeing that it wes ane noviltie that his Majestie sould send commissionairis to thair Synode; bot in end, being put to voiting, it wes aggreit be pluralitie of voitis that the commissioun sould he hard and the commissionairis admitted. Quhilk accordinglie wes done; and then his Heynes commissionairis desyrit the bretherine that, according to the Act of the Assemblie of Linlithqu, they sould put in lyte the foure Moderatouris of the foure prisbitereis quhairof that Synode consisted, and that the meitest of thame sould be chosin Moderatour. Quhairupoun answer being maid that he quha wes ordanit to be

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Acta 1606-7. Moderatour at Striveling wes absent and seik, and that he quha wes ordanit for Auchterardour wes deid, and that of the uther twa onlie one, to wit, Mr Alexander Lindsay, wes admitit, sua that thairby the said Act of Linlithqu could not have executioun in that point,—it wes replyit be the saidis commissionairis that the prisbitereis of Auchtirardour and Striveling sould then have libertie to cheis ony twa thay best lyked of out of thair awne prisbitereis to be thair Moderatouris, and that out of the haill foure a Moderatour for the Synode sould be nominat; quhilk wes refused upoun verie frevolous allegeanceis, especialie seing they nevir saw the Act of Linlithqu, allegeing that it wes a commoun custome in all judicatoreis, quhen ony pairtie allegeit ane Act or constitutioun, the allegeair wes haldin to produce the same; and the saidis commissionairis, adheiring to that same commoun custome, cravit ane reasonable day to be assignit to thame for productioun of the said Act. Quhairupoun the said Mr William Row, Moderatour, in mokadge and dirisioun assignit the nixt Synodoill for productioun of the said Act; quhairunto the saidis commissionairis consentit, with provisioun that all thingis sould stand over in the meantyme in the estaite they war in, and that the Assemblie sould presentlie dissolve. Quhilk wes planelie refuisit, and a grite nowmer of the ministerie verie confusedlie cryed to the Moderatour 'Proceid according to the auld forme without delay.' And, albeit the saidis commissionairis verie earnistlie delt with thame, remembering thame of that dewtie and reverence quhilk they aucht to his Majestie and that obedyence quhilk they aucht to the Assemblie of Linlithqu, quhairat sa grite a nowmer of the Nobilitie, Counsale, and Estaitis of this kingdome, and sa mony of the gravest and best learned of the ministerie wer present, in end all that could be gottin of thame wes to continew all proceiding till the morne thairefter, that in this meantyme they micht be the bettir advisit and resolvit to rander thameselffis conformable. And, efter thair dissolveing, the maist pairt of the bretherine past to the Inche; quhairupoun the said Lord of Scone directit the uther twa commissionairis unto thame to intreat thame to have regaird to the peace of the Kirk and to his Majesteis good and gratious dispositioun to mantane the liberteis and fredome of the Kirk, and, in regaird thairof, outher to rander thameselffis conformable, or then to continew and prorogat thair Assemblie to some certane day thairefter,—at quhilk day it wes promeist that the Act sould be presentit, outhir autentick in write or then prentit. And the bretherine who wer delt with in this particulair allowed of the overture and promeist thair help and panes thairunto; bot, being convenit upoun the morne thairefter, quhilk wes the aucht day of Aprile, into the kirk, they resolvit, without all reverence of his Majestie, regaird of his Heynes commissionairis, or obedyence to the said Act of Linlithqu, to proceid to the nominatioun of thair said Moderatour according to thair auld custome, all of thame cryand confusedlie, 'Moderatour, proceid: be not stayed: suffer [? no] violence;' and some of thame cryed, 'Moderatour, be plane with my Lord: tell him that, albeit he had all the Actis of the Assemblie of Linlithqu,

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we wald nevir acknawlege thame, nor it to have bene ane Assemblie, and, gif the foure men wer heir present who wer nominat Constant Moderatouris for that Synode, they sould nevir ane of thame be Moderatour of thair Synode.' And with this the said Mr William Row causit the foure bretherine quhilkis the day preceiding wer lyted to remove, and began quhair he left in asking of the voittis; and, being earnistlie requeistit, and in his Majesteis name commandit, be the Lord of Scone, his Heynes commissionair, not to insist in the calling of the voittis, he nochtwithstanding insistit. And, the said Lord of Scone rysing and preising simplie to have tane the rollis out of his hand, the said Mr William, verie unmodestlie and irreverentlie, violentlie schote the said Lord of Scone bak with his rycht hand, uttering thir undecent and unsemlie speitchis, 'My Lord, I will suffer no violence: I will lat you knaw that I am a man as ye ar, and hes freindis as ye have,' and sua proceidit in asking of the voittis. And, the haill voittis being tane and they quha wer in lyte callit in agane, the nominatioun fell upoun Mr Hary Levingstoun; quha being desyrit be the said Mr William Row to come and tak the Moderatouris place, he verie pairtlie, nochtwithstanding he wes contramandit be the saidis commissionairis, acceptit the chairge upoun him, and began in his pretendit maner to dischairge the same. Quhairupoun the saidis commissionairis protestit for the unlauchfulnes of thair proceidingis and disassentit thairfra; and sua they rais and removit. And the ministerie still proceidit in thair unlauchfull doingis, and first to the censureing of thair prisbitereis, and, for this effect, removit the prisbiterie of Perth. Quhilk quhen the saidis commissionairis persavit, they being reteirit apairt in a coirnair of the kirk, they come to thair bretherine and in thair presence red thair protestatioun, quhairby they disassentit frome thair unlauchfull proceidingis; and sua they removit to thair ludgeingis. Lyke as the Assemblie at that same tyme rais, and convenit agane in the efternone in the kirkyaird, censurit the prisbiterie of Perth for admitting the said Mr Alexander Lindsay to be thair Moderatour, and ordanit thame the nixt prisbiterie day to depose him, and to chose ane uther in his rowme. And, albeit the said Mr Alexander protestit that they had done him grite wrang in concludeing ony thing in a frie Assemblie quhill first it had bene reasonit, and that he offerit himselff reddy to reasoun the ane pairt, and desyrit the Moderatour to appoint ane to reasoun the uther pairt, all wes refuisit,—quhairupoun he protestit that they had done wrang in violating the custome of preceiding Assembleis in voiting and concluding of ony purpois without reasoning, and desyrit the Clerk of the Assemblie to buik this his protestatioun. And, the Lordis of his Heynes Prevey Counsale being acquentit with thir unlauchfull proceidingis, and suspecting that the nixt prisbiterie day the prisbiterie of Perth, according to the ordinance of the said pretendit Synode, wald have deposit the said Mr Alexander Lindsay and chuse ane uther in his rowme, they directit letters and chairgeis inhibiteing the said prisbiterie of all chusing of ony uther Moderatour, bot to acknawlege the said Mr Alexander in that office, and to

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Acta 1606–7. convene oulklie with him as thair Constant Moderatour at thair ordinair tyme and place of meiting. Bot, quhen, upoun the nixt prisbiterie day, the said Mr Alexander Lindsay, Moderatour, and with him Mr George Grahame, bishop of Dunblane, Mr Archibald Moncreif, minister of Abirnethie, and Mr William Rynd, minister at Kynnoull, convenit in the kirk in the ordinarie place quhair the prisbiterie useis to convene, nevir ane of that prisbiterie convenit with thame, some of thame remaneing in sindrie coirnairis of the kirk, and utheris reteirit hame to thair houssis: quhilk being persayit be ane of the saidis commissionairis, he causit chairge thame all to convene and to acknawlege thair said Moderatour accordinglie. Quhilk chairge they all in a voce dissobeyit, and, the forder to utter thair dissobedience, they tuke instrumentis and protestationis thairupoun in the handis of Robert Nicoll, notair; lyke as alsua the said commissionair tuke instrumentis upoun thair dissobedience, as the saidis instrumentis and letters foirsaidis, dewlie execute and indorsat, will testifie. Quhairby the saidis haill ministeris hes verie contemptuouslie behavit thameselffis in all thair proceidingis in this thair pretendit Synode,—for the quhilk they aucht to be persewit and punist in thair personis and guidis, with all rigour, to the terrour of utheris to commit the lyke heirefter.—And anent the chairge gevin to the saidis Mr William Row, Moderatour of the said preceiding Synode, and Mr Hary Levingstoun, Moderatour of the said last pretendit Synode, to have compeirit personalie before the Lordis of Secrite Counsale this present day, to have answerit to the premissis, and to have undirlyne tryall and punischment for the same as appertenit, undir the pane of rebellioun and putting of thame to the horne, with certificatioun to thame: and they failyeit letters sould be direct simpliciter to put thame thairto: As alsua anent the charge gevin to Johne Young, clerk of the said prisbiterie of Perth, in quhais handis the Act of the said prisbiterie anent the nominatioun and admissioun of the said Mr Alexander Lindsay, presentlie is: As alsua anent the chairge gevin to James Duncanesoun, clerk of the said Synode, in quhais handis the Actis of the said Synode, especialie the Act anent the deposing of the said Mr Alexander Lindsay and the said Mr Alexanderis instrument and protestatioun aganis the samyn is: As alsua anent the chairge gevin to the said Robert Nicoll, in quhais handis the instrumentis and protestationis wer tane anent the dissobedience of the said prisbiterie of Perth to convene with thair said Moderatour: As alsua anent the chairge gevin to Mr Johnne Skene, depute to Sir Johnne Skene of Curriehill, knycht, clerk of register, in quhais handis the letters of horning abonewrittin execute aganis the said prisbiterie for convening with thair said Moderatour presentlie is:—to have compeirit personalie and to have brocht and exhibite with thame the Actis, instrumentis, and protestationis particularlie abonespecifeit before the Lordis of Secrite Counsale the day foirsaid for verificatioun of the premissis, under the pane of rebellioun and putting of thame to the horne, with certificatioun to thame and they failyet letters sould be direct simpliciter to put thame

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thairto, lyke as at mair lenth is contenit in the said letters, executionis, and indorsationis thairof. Quhilkis being callit, and the said persewair compeirand personalie, and the said Mr Harie Levingstoun being lykewyse personalie present, and the said Johnne Young, James Duncanesoun, Robert Nicoll, and Mr Johnne Skene, sone to Sir Johnne Skene of Curriehill, knycht, clerk of register, compeirand lykewyse personalie,—who, for obedyence and satisfactioun of the said chairge, producit and exhibite befoir the saidis Lordis the Actis, instrumentis, and letters respective abonewrittin, quhilkis they war chairgit to exhibite as said is,—and the said Mr William Row being oftymes callit and not compeirand, the said Lord Advocat, for verificatioun of that point of the saidis letters tuitching the nominatioun of the said David, Lord of Scone, the Lairdis of Balvaird and Balmanno, as commissionairis for the said Synode, producit befoir the saidis Lordis ane commissioun past and exped be Act of Counsale nominating the saidis personis as commissionairis for his Majestie to the said Synode [*ante*, pp. 343–4], as alsua producit twa missive letters direct unto the saidis commissionairis, the ane frome the Kingis Majestie beiring dait the twenty sex of Marche last, and the uther frome the Lordis of his Majesteis Secrite Counsale of the dait the penult day of the said moneth af Marche, boith the saidis letters contening speciall directioun unto the saidis commissionairis to have entreated and urgeit the bretherine of the said Synode to conforme thameselfis and gif thair obedyence to the Actis of the Assemblie of Linlithqu, and that nothing sould be motioned, intreated, or concludit that onywyse mycht be dirogatorie to the conclusionis of the said Assemblie of Linlithqu, and in speciall that the Act of the said Assemblie anent the Moderatouris of Synodis mycht ressave executioun in that Synode. Quhilk commissioun and missive letters foirsaidis the said Lord Advocate allegeit wer producit before the said Synode and red in thair presence, as thair awne proces producit be the said James Duncansoun beiris, sua that they could pretend no ignorance nor misknawlege of the said commissioun, nor of his Majesteis and Counsallis will and pleasour, and speciall directioun gevin to the saidis commissionairis in the mater abonewrittin. Quhilk commissioun, missives, letters, and instrumentis, producit as said is, being red in the saidis Lordis audience, and the reasonis and allegationis of the pairteis present, togidder with the depositionis of certane personis, producit be the said persewar, ressavit, sworne, and admittit as witnessis in this mater aganis the said Mr Harie Levingstoun compeirand, as alsua aganis the said Mr William Row, who wes lauchfullie chairgit to have compeirit and defendit in this actioun, being red, hard, sene and considerit be the saidis Lordis and they ryplie advisit thairwith, the Lordis of Secrite Counsale findis, decernis, and declairis that the said Mr William Row, in his sermone maid the day foirsaid, cullouredlie did quhat he mycht to preocupy the voittis and opinioun of the bretherine and to have stayed and hinderit the ordinance of the Assemblie of Linlithqu anent the Moderatouris of Synodis, and that in his cariage thairefter within the

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Synode he behavit himselff verie contemptuouslie, first in convening and proceiding to the effairis of the Synode without the presence of his Majesteis saidis commissionairis, quhom he knew to be present in the toun, and that thairefter he directlie opponit himselff to his Majesteis will and pleasour, intimat unto him be the saidis commissionairis, be his proceiding in the lyteing and nominatioun of ane Moderatour aganis the command and directioun gevin to him in his Majesteis name be his Heynes saidis commissionairis, and aganis the Act of Linlithqu, as said is, and that thairin he hes commitit a verie grite offence and contempt aganis his Majestie. For the quhilk the saidis Lordis decerneis and ordanis him to be wairdit within the Castell of Blaknes, thairin to remane upoun his awne expenssis ay and quhill he be fred and relevit be his Majestie; and ordanis letters of horning to be direct aganis him for his entrie in the said waird upoun ane simple chairge of sex dayis. As alsua the saidis Lordis findis, decernis, and declairis that the said Mr Hary Levingstoun, be his acceptatioun of the said office of Moderatourischip upoun him, aganis the command of his Majesteis saidis commissionairis, and aganis his Heynes will, pleasour, and directioun, and be his useing and exerceing of his said office and censuring of the prisbiterie of Perth for ressaveing of the said Mr Alexander Lindsay for thair Moderatour, hes lykewyse commitit ane verie grite offence and contempt aganis his Majestie; bot,—becaus the said Mr Hary hes declairit and confessit in presence of the saidis Lordis that his behaviour and proceidingis at that Synode proceidit upoun ignorance, and upoun ane opinioun and consait apprehendit be him that a requeist be word or write without ane signet letter wes no lauchfull chairge and astricted him not be the obedyence of the same, and that, now the saidis Lordis hes found the proceidingis in that Synode to be unlauchfull and offensive to his Majestie, that thairfore he acknawlegeis his offence in acceptatioun of the said office of moderatourschip upoun him, and that he renunceis the same office,—thairfore the saidis Lordis hes thocht meit to mitigat the pane and punischment quhilk the said Mr Hary be his former offence had merited, and decernis and ordanis him to be confynned and wairdit onlie within the boundis of his awne parrochin and burgh of Striveling, and suspendis him fra useing of his functioun in ony uther pairt or place bot in his awne kirk allanerlie, and dischairgeis him fra all repairing to prisbitereis or synodis, bot that he contene himselff within the boundis of his awne parrochin as said is, ay and quhill his Majesteis forder will and pleasour be knawn anent him."[1]

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James Haitlie of Mellirstanis, Margaret Lumisdane, his mother, and certain of their friends, having subscribed a submissioun of thair feud with Mr James Home of Ecclis (*ante*, p. 382), but Andro Haitlie, uncle of the

Charge to Andrew Haitlie as party to a feud.

[1] Compare the narrative in this Act with the narrative of the proceedings of the same Perth Synod given *ante*, pp. 349–351; and note the portion of the present narrative respecting the demand of the Synod for the production of the Acts of the Linlithgow Convention, and the answer to that demand by Lord Scone and the other Commissioners.

said James, having not yet subscribed the same, there is order to charge him to appear in the matter on next, under pain of rebellion. Acta 1606-7.

Edinburgh, 15th June.

Sederunt.—Chancellor; President; Scone; Advocate; Collector; Clerk of Register. Page 356.

Question between the Comptroller and tacksmen of the customs anent customs on goods passing between England and Scotland.

In the question between David, Lord of Scone, comptroller, on the one part, and the tacksmen of the customs, on the other, with regard to the "defalcatioun and allowance" craved by the tacksmen for goods transported from Scotland to England *et vice versa*, conform to the contract made between his Majesty and the said tacksmen, the tacksmen produce a book containing a list of the merchandise interchanged between the two kingdoms from November 1605 to November 1606, the custom whereof extends to £13,000. They plead (1) that at the "first restreant" of the English goods made of wool £7000 had been allowed to them for the custom of the said goods, (2) that the custom of other goods imported from England within the said time, which were "not restreanit" before, extends to £6000, and (3) that the quantity of wines lifted within that year by "noblemen for furnissing of thair houssis" exceeded "the quantitie quhilk be the said contract is defeasit and allowit unto thame." The said tacksmen, however, only crave deduction of £10,000.—The Lords find that the tacksmen must have deduction of the said sum, or liberty to exact from the merchants the custom of their said goods. The Comptroller is requested to acquaint his Majesty herewith, so that he may grant the said deduction or else allow the tacksmen to lift the custom of the said English goods.

Edinburgh, 15th June.

Sederunt.—Chancellor; Lowtheane; Roxburgh; Scone; Halyruidhouse; Quhittinghame; Privy Seal; Collector; Mr Petir Rollok; Foistersait; Mr Lues Craig; Sir Johne Arnot.

Exoneration to the Bishop of Moray for apprehending a priest.

Williame Murdo, priest, falsely calling himself William McKy, having been lately apprehended by Alexander, Bishop of Murray (*ante*, p. 355), and sent to the burgh of Edinburgh, where he is now in ward in the tolbooth, the Lords, seeing it was the Bishop's "zeale to the trew religioun and for suppressing of the adversairis thairof" that moved him to apprehend the said Williame without warrant or commissioun, allow his proceedings therein and exoner him accordingly. Page 357.

Edinburgh, 18th June.

Sederunt.—Chancellor; Uchiltrie; Balmerinoch; Cathcairt; Buckleuch; Roxburgh; Master of Elphingstoun; Bishop of Glasgow; Halyruidhouse; Advocate; Collector; Justice Clerk; Privy Seal; Quhittinghame; Spott; Mr Loues Craig; Foistersait; Clerk of Register; Sir James Sandielandis; Sir Michaell Elphingstoun; Sir Johnne Arnot; Conservator.

Acta 1606–7. Johnne, Archbishop of Glasgow, and Sir Michaell Elphingstoun, give their oath of allegeance as in the Act of 2nd instant (*ante*, p. 375). Archbishop of Glasgow and Sir Michael Elphinstone.

Complaint by George Bruce of Carnok that David Foullertoun, younger, and Andro Petre, burgesses of Monrois, remain unrelaxed from a horning of 28th June last for not paying him £352.—Charge had been given to Petre to answer; and now, complainer appearing by Alexander Douglas, macer, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for his non-appearance. Decree against Andro Petrie for debt.

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Complaint by Alexander, Lord Elphingstoun, as follows:—On 14th May last, at night, Alexander Forbes of Towie, Robert Forbes in Glaik of Towie, Alexander Forbes in Dyksyde, Tobias Lonkaird in Kinbothok, Alexander Walker there, Frances M°Robie there, and George M°Robie, piper, with others, came to his fortalice of Torgarffa and, with "grite geistis, foir-hammeris," and other instruments, forcibly broke the gate of the said place; which they have fortified as a house of war, and still keep, assisted by a number of Highland thieves and limmers.—Pursuer appearing by his son, Alexander, Master of Elphingstoun, the defenders, for not appearing, are to be denounced rebels. Lord Elphinstone against Forbes of Towie and others for violent possession.

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Complaint by Andro Boyd, burgess of Perth, and Issobell Peblis, his spouse, that Mr Johnne Ros of Cragy, as principal, and Coline Eviot of Balhousie, Robert Stewart of Haltoun of Loncardie, and Johne Ros in Magdalenis, as sureties for him, remain unrelaxed from a horning of 23rd May last for not paying complainers 3000 merks as principal and £100 for expenses.—Complainers appearing by Alexander Dowglas, macer, there is warrant to the Captain of the Guard to apprehend defenders and inventory their goods for their non-appearance. Decree against John Ross of Craigy and others for debt.

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Complaint by Sir Thomas Hammiltoun of Monkland, for his Majesty's interest, and by Andro Wardlaw of Torrie, that Patrik Halket of North Lumfynnane remains unrelaxed from a horning of 19th August last for not answering touching his bearing of hagbuts and pistolets, pursuing said Andro and his servants, chasing his bestial through his corns, and casting down his dykes.—Complainers appearing by Alexander Douglas, macer, there is decree as above against defender for non-compearance. Decree against Patrick Halket for remaining at the horn for various offences.

Complaint by Robert Arnot of Newtoun, comptroller-depute, that, James Ramsay, sometime one of the King's Guard, having uplifted from the provost and bailies of Air certain of his Majesty's maills and duties, according to the direction given him, and commission having been obtained for his apprehension for refusing to make account and payment to complainer, Ramsay, upon "certane frivole reasonis and be finding of cautioun" for his appearance to answer, had obtained suspension of the commission, which lies "over as yit undiscussit."—Both parties appearing, defender is ordered to account to the pursuer, first deducting £50 due to him for wages. Decree against James Ramsay for not accounting for his intromissions with the King's maills and duties.

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Complaint by Sir David Murray of Balvaird that William Leirmonth, apparent of Dairsie, remains unrelaxed from a horning of 8th instant for not paying him 4600 merks.—Complainer appearing by Robert Arnot of Decree against Learmonth, younger of Dairsie, for debt.

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Newtoun, defender, for not appearing, is to be apprehended and his goods inventoried by the Captain of the Guard. Acta 1606–7.

Decree against Blair of Balgray for debt.

Complaint by Mr Johnne Strauchane, minister, that Alexander Blair of Balgray remains unrelaxed from a horning of 21st January last for not paying him the prices of the bolls of victual due for the years 1601, 1602, 1603, and 1604, with 20 merks for expenses of plea and 40s. of collector-silver.—Complainer appearing by Alexander Douglas, macer, decree as above against defender for non-compearance. Page 363.

Decree against Patrick Eviot for not relieving his cautioners.

Complaint by Sir Robert Creichtoun of Cluny, Sir David Hering of Lethintie, and James Skrymgeour of Fardall, that Patrik Eviot of Kirktoun of Malar remains unrelaxed from a horning of 7th January last for not relieving them at the hands of Johnne Kinloche, skinner, burgess of Edinburgh, of the payment of 1000 merks as principal and £100 for expenses.—Complainers appearing by Strauchane, decree as above against defender.

Decree against John Robertson for debt.

Complaint by Mr Florence Auchmowty, son of the Laird of Halhill, that Johnne Robertsoun, younger, merchant in Edinburgh, remains unrelaxed from a horning of 14th April last for not paying him, as assignee to Thomas Lumisdane, apparent of Pittilloch, 118 merks as principal and £10 for expenses.—Complainer appearing personally, decree as above against defender. Page 364.

Decree against James Bruntfield for debt.

Complaint by William and Alexander Dicksonis, sons of Johnne Dicksone of Quhytrig, that James Brountfeild in Fairnirig remains unrelaxed from a horning of 2nd instant for not paying to the said William 300 merks as principal and 20 merks for expenses, and to the said Alexander 100 merks as principal and £20 for expenses.—Complainers appearing by Archibald Dowglas, decree as above against defender. Page 365.

Suspension of horning against John Colthert.

Complaint by Johnne Colthird in Glentewing that he has been put to the horn at the instance of the late Johnne Broun in Draffen and Marioun Weir, his spouse, for not answering anent his alleged coming with others to the lands of Johnneshill, belonging to the said Broun, and there with swords and bestial destroying 60 bolls victual and casting part of the same in "sykis." As he was never lawfully charged, as he had found caution to answer on 11th instant, and as his escheat is already disponed to Johnne Colthird, his son, the said horning should be suspended.—Pursuer appearing, but not defenders, the Lords do suspend the horning. Page 366.

Decree against James Beaton for debt.

Complaint by Johne Weymes of Cuthilhill that James Beatoun, son of the late Johnne Betoun of Pitlochie, remains unrelaxed from a horning of 6th May last for not paying him the price of an annualrent of three bolls "cheritit beir," as by decree of the commissary of St Androis, dated 9th March last, with £10 for expenses.—Complainer appearing by Mr Johnne Weymes, defender, for not appearing, is to be apprehended and his goods inventoried by the Captain of Guard. Page 367.

Decree against James Abercrombie for debt.

Complaint by Sir William Grahame of Braco that James Abircrumby, fiar of Carsie, remains unrelaxed from a horning of 16th instant for not

Acta 1606–7. paying him and dame Margaret Keith, his spouse, 1000 merks as principal and £100 for expenses.—Complainer appearing by Robert
Page 368. M^cGhie, decree as above against defender.

Complaint by Mr Thomas Provand, reader at the kirk of Leith, and George Mowat, mariner, that Hary Stewart of Cragyhall and Johnne Houstoun of Leny remain unrelaxed from hornings of 20th and 25th February last for not paying them, as assignees to Florence Balfoure, elder, in Leith, *pro rata*, 900 merks as principal and £50 for expenses.—
Page 369. Mowat appearing, decree as above against defenders. Decree against Stewart of Cragyhall and Houston of Leny for debt.

Complaint by Samuell Birse, one of the ordinary writers to the signet, that Adame Ethingtoun in Hircas remains unrelaxed from a horning of 20th March last for not paying him £58 as principal and £10 for expenses.—Complainer appearing by James Swentoun, decree as above against Ethingtoun for not appearing. Decree against Adam Ethington for debt.

Complaint by Margaret Keith, daughter of the late William Keith, apparent of Ludquharne, and dame Margaret Keith, his spouse, that George, Earl of Marschell, and Nathaniell Keith of Little Coble, remain
Page 370. unrelaxed from a horning of 22nd April last for not paying 5000 merks.—Charge had been given to the Earl to answer; and now, complainer appearing by Archibald Douglas, there is decree as above against defender for not appearing. Decree against Earl Marischal for debt.

Page 371. *Sederunt*—Chancellor; Huntlie; Mar; Linlithqu; Uchiltrie; Elphingstoun; President; Roxburgh; Master of Elphingstoun; Bishop of Glasgow; Bishop of Ros; Halyruidhouse; Advocate; Quhittinghame; Privy Seal; Kilsyth; Myrecairny; Mr Loues Craig; Collector; Sir James Hay; Foistersait; Clerk of Register; Sir Johnne Arnot. Edinburgh, 23rd June.

Page 372. George, Marquis of Huntlie, Johnne, Earl of Mar, Alexander, Lord Elphingstoun, and Hary, Commendator of Sanct Colme, give their oath of allegiance as in the Act of 2nd instant (*ante*, p. 375). Marquis of Huntly and others take the Oath of Allegiance.

Complaint by Sir Thomas Hammiltoun of Monkland, his Majesty's Advocate, that George, Marquis of Huntlie, "nawyse repairis to the kirk and heiring of the sermone, abstenis frome the communioun, and in the governament of his houshold and familie professis and utteris himselff to be ane direct adversair, and not weill reesolvit in the treuth, and thairby gives verie just occasioun of sclander to the Kirk." For these offences he ought to be punished in the manner specified in the King's Declaration in answer to the petition from the General Assembly held at Linlithqu in December (*ante*, p. 297).—Charge had been given to the Marquis to answer; and now, pursuer appearing, with Petir, Bishop of Abirdene, and Alexander, Bishop of Murray, who concur with him, and the defender being also present, and the defender having confessed that he "wes not fullie resolved in the haill heidis of religioun presentlie professit within this kingdome, and, albeit sometymes he hantit the kirk and Prosecution of the Marquis of Huntly for non-conformity to the established religion: Sentence on the Marquis.

preiching, yit he wes not ane ordinair heirair, nather wes he desyrous to communicat quhill he wes forder resolvit," the Lords ordain the Marquis to be confined in the burgh of Elgin and 18 miles round, "and that, every moneth during the tyme of his confynning, he remane ten dayis togidder within the said burgh of Elgin, whereof twa salbe Sondayis, and that, alswele during his stay in the said burgh as in his residence at hame, he resorte upoun Sondayis to the heiring of the sermone, and that, upoun these dayis and utheris dayis of his residence within the said burgh, he be alwyse reddy to confer for getting resolutioun of such doubtis as he can object for not conforming himselff to the present professioun, and that he alwyse forbeir frome all resetting or intercommoning with ony jesuitis, seminarie preistis, or excommunicat papistis, as he will answer to his Majestie and the saidis Lordis upoun the contrair at his heichest perrell." Acta 1606-7. Page 373.

Warrant to MacKenzie of Kintail to confer with the inhabitants of the North Isles.

In order to the "furtherance and advancement of his Majesteis service in the North Yllis and continent nixt adjacent," the Lords authorise Kenneth M°Kanzie of Kintaill to "confer and intercommoun" with any of the inhabitants thereof as often as he pleases during the next four months.

Charge to Mr Robert Howie to accept the provostship of the New College, St Andrews.

The Commissioners for the visitation of the University of Sanct Androis (*ante*, p. 338) having elected Mr Robert Howy, minister, to the provostship of the New College during his Majesty's pleasure, and Howy refusing to accept the said office, so that the place is vacant, "to the grite hurte and prejudice of the studentis and scolleris within the said college," there is order to charge him to accept the office within 15 days after being charged, under pain of rebellion.[1] Page 374.

[1] One purpose of the appointment of the Commission for the Visitation of the University of St Andrews (*ante*, pp. 334–335) was to fill up the Principalship of the New College there, now vacant by the absence of Andrew Melville. According to Spotswood (p. 504), the Commissioners met in the New College on the 16th of June; when, "after the reading of his Majesties letter (whereby it was declared that the said Mr Andrew Melville, being judged by the Council of England to have trespassed in the highest sort against his Majesty, and for the same committed to the Tower till he should receive his just punishment, was no more to return to that charge), they, according to the power given them, did proceed and make choice of Mr Robert Howy to be Provost of the said College." For a further account see M'Crie's *Life of Andrew Melville* (ii. 187–196 of 2nd edition). Though there was less opposition on the part of the University than might have been expected on such an occasion,—only the students of the College making a demonstration in Melville's favour and presenting a petition to the Commissioners for his restoration,—the election of a new Principal was a matter of some difficulty. The person supposed to have the strongest claims to the vacant office by scholarship and past service was Mr John Johnston, Professor of Divinity; but he was set aside as being a man too much of Melville's principles. The Mr Robert Howie actually chosen was, like Johnston, of Aberdonian birth. After having been educated at King's College, Aberdeen, and at several foreign universities, he had settled in Aberdeen in one of the ministerial charges of the town,—to which after 1593 was added the Principalship of the newly founded Marischal College of Aberdeen. In 1598 he had been transferred to Dundee; and a very vivid picture of him and his doings in Dundee, after he had been minister there for seven years, will be found in the present volume, *ante*, pp. 94–100. From that narrative it can be distinctly seen that he must have been a man of some force and singularity of character, with strong democratic leanings. But, though then under censure from the Government as a clerical agitator and disturber of the peace in Dundee, he had recovered favour. He was one of the ministers who, having been summoned to

cta 1606-7. In order to the "weill and quietnes" of the North Isles, the Lords ordain charge to be given to Archibald, Earl of Ergyle, to present Rory M°Cloyd of Hereyis before them on next, conform to the act of caution in £10,000 by Campbell of Lundy, to that effect. Charge to the Earl of Argyle to enter MacLeod of Harris.

Johnne, Earl of Mar, for himself and for the M°Farlanis, on the one part, and Alexander Colquhoun of Lus, for himself and his friends, on the other part, appearing this day, as charged, to submit their feud to arbitration (*ante*, p. 373), nominate as arbiters, Hew, Earl of Eglintoun, Thomas, Lord Boyd, James Hammiltoun of Libertoun, Sir Mathew Stewart of Mynto, Robert Boyd of Badinhaith, Robert Chirnesyde, Adam Colquhoun of the Hill, and Waltir Colhoun of Kilmardynnie, declaring that, if these arbiters do not "all in a voce" pronounce decree by 1st January next, then they consent that all matters in question shall be decided by the Lords of Privy Council. Arbiters named for the feud between the Earl of Mar and Colquhoun of Luss.

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Hary, Commendator of Sanct Colme, keeper of the forest of Glenfinlas, appearing, as charged, to answer for the more careful keeping of "his Heynes gayme and deir" (*ante*, p. 376), the Lords ordain him to "attend and caus attendance be gevin upoun the keiping and preservation of his Majesteis forrest foirsaid mair diligentlie nor he hes done heirtofoir," as he shall answer at his highest peril. Lord St Colme and the Forest of Glenfinlas.

Commissioners having been appointed to certain presbyteries "to have intreated thame to have establischeit thair Moderatouris electit at the Assemblie of Linlithqu" (*ante*, p. 376), including the Lairds of Wauchtoun and Clerkingtoun for the presbytery of Haddingtoun, and the Laird of Broxmouth for the presbytery of Dunbar, and the Lairds of East Nisbitt and Rentoun for the presbytery of Chirnesyde and Duns, and the Lairds of Nisbitt and Rentoun now appearing by , their procurator, who produces an Act of the presbytery of Chirnesyde and Duns certifying its "admissioun of the Constant Moderatouris," and the Laird of Broxmouth appearing by , his procurator, who produces a similar Act of the presbytery of Dunbar, and the Lairds of Wauchton and Clerkingtoun appearing by Sir Richard Cokburne, lord privy seal, who produces a similar Act of the presbytery of Haddingtoun, the Lords of Council exoner the said commissioners of their duty in that matter. Report of Commissioners to certain Presbyteries in the matter of the Constant Moderators.

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Petir, Bishop of Abirdene, and Alexander, Bishop of Murray, appearing personally, give their oath of allegiance as in the Act of 2nd instant (*ante*, p. 375). Bishops of Aberdeen and Moray take the Oath of Allegiance.

Sederunt—Chancellor; Huntlie; Uchiltrie; Elphingstoun; Cathcairt; Balmerinoch; Roxburgh; Bishop of Glasgow; Bishop of Edinburgh, 25th June.

London on the Episcopal side, with Archbishops Gledstanes and Spotswood and others, had assisted in the King's Hampton Court conferences with Andrew Melville and his seven Presbyterian colleagues. His sentiments, however, appear to have been, on the whole, moderate; and both Andrew Melville and James Melville held him in considerable respect. As appears from the present entry, he was very unwilling to accept the Principalship offered him by the Commissioners. The reason seems to have been that it was offered during the King's pleasure only, and not *ad vitam*. It was not till the 27th of July that the threat of the present order overcame his reluctance, and he was formally installed in the Principalship. See Spotswood as above, and Calderwood, vi. 668–669.

Ros; Master of Elphingstoun; Halyruidhouse; Constable of Dundie; Advocate; Justice Clerk; Collector; Clerk of Register; Foistersait; Myrecairny; Sir Johnne Arnot; Sir Petir Young. Acta 1606-7

Bishop of Brechin and Constable of Dundee.

Mr Andro Lamb, Bishop of Brechin, and Sir James Skrymgeoure of Dudop, Constable of Dundie, appearing personally, give their oaths of allegiance as in Act of 2nd instant (*ante*, p. 375). Page 377.

To denounce David Lindsay, younger of Edzell, and others, for not appearing to answer for their assault on Lord Spynie.

Charge having been given to David Lindsay, apparent of Edzell, Andro Stratoun, son of the Laird of Lowrestoun, Thomas Lindsay, bastard son of the Laird of Edzell, William Home, son of the Goodman of the Heuch, George Lindsay, brother of the Laird of Covingtoun, Hary Lindsay, son of the Goodman of Kynetlis, and Mr Johnne Lindsay, sometime minister at Lochley, to answer this day for their assault on Lord of Spynie in the high street of Edinburgh on 5th June last (*ante*, p. 383), and none of them now appearing, there is order to denounce them rebels. Page 378.

Charge for renewed assurances between Maxwell of Calderwood and Maxwell of Newark.

The assurances between Sir James Maxwell of Calderwode, Alexander Lindsay of Dunrod, James Hammiltoun of Stanehous, William Maxwell of Newlandis, Johnne Maxwell in Jaktoun, James Maxwell there, James Wauchop there, James Maxwell of Hilheid, and Adam of Skellitoun, on the one part, and Patrik Maxwell of Newark, James Cunynghame of Glengarnook, James Schaw of Grenok, Johnne Crawfurd of Kilburny, Patrik Hepburne of Ricartoun, Robert Lekkie of Kipdarroch, Robert Lekkie, his son, James Lekkie, also his son, Murdo Lekkie of Croy, Waltir Lekkie of Boquhan, William Lekkie, son of the late Robert Lekky at the kirk of Kippen, James Lekkie at the Burn of Boquhen, Alexander Lekkie in Drumkippen, Adam Cunynghame, son of the Laird of Auchinharvie, William Porterfeild of that Ilk, Alexander Porterfeild, his son, and Mr Alexander Maxwell of Kilmacolme, on the other part, being now expired, there is order to command both parties, under pain of rebellion, to assure one another anew till 1st June 1608, within six hours after the charge.

To denounce Andrew Haitlie.

Andro Haitlie, uncle of James Haitlie of Mellirstanes, not appearing this day, as charged, to answer for not subscribing the submission between the said James and Mr James Home of Ecclis (*ante*, p. 391), is to be denounced rebel. Page 379.

To denounce William Leslie of Conrak for not answering to a charge of "papistrie."

As, by Act of Parliament, presbyteries are ordained to summon persons "suspect of papistrie" to make satisfaction, and such persons in case of refusal are to be summoned before the Privy Council, and if they fail to appear are to be denounced rebels and incur escheat of goods and liferent of lands (1594, c. 4, iv. p. 63), and as the presbytery of Elgin have given in the name of William Leslie of Conrak as one "excommunicat for papistrie," and as he has failed to appear before the Council this day as charged, bringing with him a testimonial from his presbytery that he has satisfied the Kirk, the order now is to denounce him rebel and to escheat his goods. Page 380.

Libra Abercromby against Bruce of Airth

Complaint by Libra Abircromby, relict of Robert Bruce of Grenesyde, that, upon 3rd instant, while she and her daughter Marjorie were repairing

Acta 1606–7. from the burgh of Striveling to the place of Throsk, Sir Johnne Bruce of Airth and his accomplices waylaid them between Bonnokburne and the said burgh, put violent hands in the said Libra "with mony horrible and blasphemous aithis," and, "haveing drawin swordis in their handis," threatened to kill her if she resisted them in the abduction of her said daughter. For fear of her life, she was forced to suffer them to depart with her daughter,—the Laird of Airth's object being to marry her daughter to some person not answerable to her rank.—Both parties appearing, and Sir Johnne having, in obedience to the charge given him, presented the said Marjorie, and she having declared that she had been violently taken from her mother, and that she preferred to be with the Goodman of Throsk, her uncle, the Lords ordain Sir Johnne to deliver her to her mother, that she may be taken to her said uncle.

for abduction of her daughter.

Page 381.

Johnne Campbell of Caddell, appearing personally, undertakes the "keiping and educatioun" of Lauchlane M°Intosche of Dunnauchtane,—who is committed to him by advice of Williame M°Intosche, his uncle, and Angus Williamsoun M°Intosche,—and becomes bound in 5000 merks to be answerable for the education of the said young Laird, and for his entry before the Council when required, till he attain the age of 21 years.

Campbell of Cawdor undertakes the education of the young Laird of MacIntosh.

Charge to be given to Angus M°Fersane in Brume, Augus M°Phaill in Kinchyle, Allaster M°Conoquhy Lerquhar in Banchorne, Donald M°Quene in Corriburgh, Lauchlane M°Intosche, son of Angus Williamsoun, Malcome M°Intosche, son of the late Lauchlane M°Intosche of Dunnauchtane, Lauchlane M°Intosche of Gask, and Gillichallum M°Leane, to answer before the Council upon 6th August next for the good rule, during the minority of the said young Laird, "of all sic personis as umquhill Lauchlane M°Intosche of Dunnauchtane wes haldin to answer for in his tyme."

Charge to certain of the Clan Chattan to answer for the good rule of the clan during the minority of the said Laird.

Caution by Williame M°Intoshe, son of the late Lauchlane M°Intoshe of Dunnauchtane, and Angus M°Intosche Williamsoun of Termett, either in 3000 merks, that they will appear upon 6th August next and report delivery of the said charges to the said persons for their compearance said day.

Band for William and Angus MacIntosh.

Page 382.

Caution by Johnne Hill of Hills for Archibald Wauchop, elder in Dudingstoun, and William and Johnne Wauchopis, his sons, in £500, that they will answer when required for invading James and Robert Keris in Wester Dudingstoun, and wounding the said Robert in the head. Caution to the same effect by Johnne Wauchop of Little Firth for Johnne Wauchop, son of the late Bailie of Nuddrie, and Gilbert Wauchop, his son natural.

Caution for Archibald Wauchop and others.

Sederunt—Mairshall; Mar; Uchiltrie; Cathcairt; President; Roxburgh; Constable of Dundie; Bishop of Sanct Androis; Bishop of Glasgow; Bishop of Ros; Master of Elphingstoun; Halyruidhouse; Privy Seal; Advocate; Collector; Myrecairny; Mr Lues Craig; Sir Johne Arnot; Sir Petir Young; Sir Michaell Elphinstoun.

Edinburgh, 30th June.

Act for better order in the country of Atholl.

Understanding that the country of Athoill, which of old "wes moist quiet and peceable and inhabite be a nomber of civile and answerable gentilmen, professit and avowed enemeyis to thevis, revairis, and oppressouris," has now "become verie louse and brokin," and an "ordinarie resett for the thevis and brokin men of the North and South Heylandis," and moreover that a great number of the inhabitants, "sic as Johnne Dow M°Gillichallum and his compliceis," have become most violent, committing "vyld and detestable murthouris," stouths, houghing of oxen, and other enormities, the Lords ordain charge to be given to the bailies and commanders of that countrey "to set out the ordinair maner of watche for guarding and keiping of the cuntrey, and for the persute and apprehensioun of malefactouris," and to appoint captains over the watch by the advice of the Lairds of Garntullie and Balleachane, Williame Stewart of Kynnaird, Johnne Stewart Neilsoun, &c., within 6 days after being required, under pain of rebellion. The inhabitants are also to be charged to assist the captains and companies of the said watch, under pain of being held as favourers of the broken men there. Acta 1606. Page 383.

Report of Commissioners to certain presbyteries anent the admission of Constant Moderators.

Charge had been given to the Lairds of Kilsyth and Polmais as commissioners to the presbytery of Striveling, to Sir Johnne Hammiltoun as commissioner to the presbytery of Hammiltoun, to the Lairds of Mynto and Houstoun as commissioners to the presbytery of Dunbertane, and to Lord Uchiltrie and the Laird of Carnell as commissioners to the presbytery of Air, to report this day in the matter of admission of Constant Moderators by the said presbyteries.—Uchiltrie and Carnell appearing, Uchiltrie excuses himself by reason of his attendance in Edinburgh upon the Council and Session, and Carnell because of the absence of his fellow commissioner, without whome he could do nothing. The Lairds of Mynto and Houston appear by Joseph Miller, who produces an Act of the presbytery of Dunbertane certifying the admission of Mr Walter Stewart to be Moderator of that presbytery. Sir Johnne Hammiltoun appears by Mr James Hammiltoun, who produces an Act of the presbytery of Hammiltoun admitting Mr Robert Daroch to be Moderator thereof. The Lords exoner Mynto, Houstoun, and Hammiltoun, and assign to Uchiltrie and Carnell 23rd July next for reporting their further diligence. Page 384.

Charge to Lord Maxwell for having held courts in Eskdale in defiance of a Council order.

William, Earl of Mortoun, and Johnne, Lord Maxwell, having in September last appointed courts to be held by them in Eskdaill, and the Lords of Council, for eschewing of trouble between them, having discharged all such courts till they could be held in peace (*ante*, p. 250), and Lord Maxwell having nevertheless, with his brothers and members of the court, repaired to Eskdaill, and not only lifted teinds from the tenants thereof, but also held courts on the said lands, "in heich and proud contempt," there is order to charge him to answer on 9th July next for the said "indignitie," under pain of rebellion. Page 385.

Report of Commissioners to certain presbyteries

Charge had been given to the Laird of Phairnyhirst and Sir Robert Ker of Ancrum as commissioners to the presbytery of Jedburgh, to the Laird of Blakbarony and Sir Jedioun Murray as commissioners to the

Acta 1606-7. presbytery of Peblis, to the Lairds of Drumlangrig, Cloisburne, and the provost of Drumfreis as commissioners to the presbytery of Drumfreis, to the Laird of Bomby and the Tutor of Bombye as commissioners to the
Page 386. presbytery of Kirkcudbricht, and to the Lairds of Gairleis and Barnebarroch as commissioners to the presbytery of Wigtoun, to report this day anent the establishing of Constant Moderators in the presbyteries foresaid. —The Laird of Blakbarony and Sir Jedion Murray appearing by Sir Archibald Murray, son of the said Laird, who produces an Act of their presbytery admitting Mr James Logane to be Constant Moderator thereof, and the Laird of Drumlangrig appearing by James Dowy, who produces an Act of the presbytery of Drumfreis admitting Mr Thomas Ramsay to the said office, but Sir Andro Ker of Phairnyhirst, Sir Robert Ker of Ancrum, the Lairds of Bomby, Gairleis, Barnebarroch, and the Tutor of Bomby not appearing, the defaulting commissioners are to be denounced rebels [? while the others are exonered]. in the matter of Constant Moderators.

Page 387. Complaint by James Ker in Wester Dudingstoun and Robert Ker there, as follows:—Archibald Wauchop, elder, in Dudingstoun, and William, Johnne, and Archibald Wauchopis, his sons, have often sought occasion to execute their malice against the complainers. At last, having resolved that Archibald Wauchop, younger, should be the agent of their malice, in preparation for his escape from punishment at the time intended, they had a ship in readiness to transport him and Gilbert Wauchop to the realm of Swaden. Whereupon, the said Archibald Wauchop, William and Johnne Wauchop, his said sons, said Gilbert Wauchop, son natural of the late Johnne Wauchop, and Johne Wauchop, his son lawful, knowing that the complainers had gone to Edinburgh on 9th instant, hounded out the said Archibald Wauchop, younger, and Johnne Scot, servitor to the said Gilbert; who lay in wait for complainers all that day till six o'clock at even at the Barboure Burn, "verie neir to the palice of Halyruidhous and not distant half ane myle fra the said burgh," and then, seeing the complainers coming by, "feirslie set" upon them with their swords, pursued them fort heir lives, and wounded the said Robert in the head,—"quhairout of thair ar divers bones tane,"—and would have slain the said James Ker, unless, "be the providence of God and his awne bettir defence, he eschewit." Defenders have thus violated the Act of Council against assault in Edinburgh or within a mile of the place of meeting of the Council (*ante*, vol. vi.
Page 388. p. 576–7).—James Ker appearing personally, and Archibald Wauchop, elder, Williame and Johnne Wauchopis, his sons, Gilbert Wauchop and Johnne Wauchop, being also present, but Archibald Wauchop, younger, having failed to appear, the Lords find the said Archibald guilty as libelled, and ordain charge to be given to him to enter in ward in the tolbooth of Edinburgh, within 48 hours after the charge, under pain of rebellion. James and Robert Ker against Archibald Wauchop and others for assault committed on the pursuers near Holyrood-house.

Sederunt—Chancellor; Mar; Lowtheane; Tullibardin; Cathcairt; Edinburgh, 2nd July.[1]

[1] On this day Mr James Melville and Mr William Scot, who had remained as long as they could in London, communicating with Andrew Melville in his prison in the Tower

Uchiltrie; Elphingstoun; Balmerinoch; Roxburgh; Master of Elphingstoun; Bishop of Sanctandrois; Bishop of Murray; Bishop of Ros; Bishop of Brechin; Bishop of Caithnes; Halyruidhouse; Quhittinghame; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Mr Petir Rollok; Mr Lues Craig; Sir Johne Arnot; Mr Michaell Elphinstoun; Logy; Foistersait. Acta 1606–7

Sir William Cranston and Sir John Home committed to ward for scuffling at the Councilhouse-door.

Having considered the "indignitie" done by Sir William Cranstoun and Sir Johnne Home of North Beruik "anent the commotioun and trouble maid be thame at the Counsalhouse-dure, quhair the Lordis wer sitting in judgement for the tyme, upoun occasioun of the taking of William Home, quhome the said Sir William preist violentlie to have tane at the Counsalhouse-dure, and who, with the lyke violence, wes withstandit and resisted be the said Sir Johnne Home," the Lords ordain both parties to be committed to ward in the Castle of Edinburgh, and deliver them to the bailies of Edinburgh "to be convoyed" to their said ward. Further, Cranstoun having alleged that he had taken William Home because of the theft of a "staig" from the Laird of Whittinghame, for which "staig" the said William Home had refused to "gif ane debtoure," and Home having deponed that he bought the horse from George Browne in Fawnis under the Laird of Touch, upon the word of his brother Archie Home, for 20 merks, the week before Pasch last, and that he never saw it till it was brought him by the said George Browne's son, who received 10 merks in part payment, the other 10 merks being yet unpaid, the Lords assign to William Home the 14th instant for proving his allegations, the said Sir Johnne Home becoming surety in £1000 for his appearance that day. Page 389.

Meeting of the commissioners for the stipends of the late "erections."

Having ordained the commissioners appointed by Parliament for "setting doun and modifeing of his Majesteis blanche dewtyis and the ministeris stipendis of the lait erectionis" (1606, c. 23, iv. p. 209; 1607, c. 5, iv. p. 372) to meet at Edinburgh upon 6th August next, with continuation of days till the "saidis haill erectionis be put to ane point," the Lords order pro-

and making arrangements for his comfort (*ante*, p. 364), embarked at the Tower Stairs for their voyage north, their eyes fixed on the Tower to the last, in farewell to the friend and chief whom they were never again to see. Just before they left London there had been a curious proof of the sympathy of the London Puritans with them and the cause of Scottish Presbytery. "The day they wer to depart," James Melville tells us (*Autobiog.* 710), "thair come to thair chamber Mr Snape, Mr Balmefurd, parochineres, with Mr Corsbey, a guid brother, apothecarie of calling; quho brought with him a great bag of monie, alse meikle as he could weill carie in his oxter." It was a collection that had been made among some of the London Puritans, by way of testimony of regard, and to defray the charges to which they understood the eight Scottish ministers had been put by their enforced residence so long in London after their supplies from the Scottish Exchequer had been stopped. Melville and Scot thanked the deputation, but declined the money, partly from Scottish pride, lest it should be supposed that they were not able to pay their own costs, and to contradict the "opinioun among the people of England that all Scottishmen came hither to begg," and partly on the ground that the money might be more fitly applied to the relief of distressed English Puritan ministers and their families.—Newcastle-on-Tyne was the first destination of the two friends. They were to part there: James Melville to remain in that vicinity by the King's orders, and to be excluded from Scotland; the more fortunate Scot to return to his native charge.

Acta 1606-7 clamation accordingly to be made at all places necessary, with a charge to all having " interes in the saidis erectionis " to attend.

Presbytery of Dumfries against John MacGhie, commissary clerk of Dumfries, for obstinate nonconformity.

Page 390. Complaint by the presbytery of Drumfries, as follows :—Johnne M°Ghie, commissary-clerk of Drumfreis, having been called at their instance before the Secret Council for not giving confession of his faith, had been ordained to appear before the Commissioners of the General Assembly, subscribe the confession of his faith, and swear that he " abjured papistrie," under pain of rebellion. Appearing before the said Commissioners in the tolbooth of Edinburgh upon 31st January 1606, he had declared that he was " not resolved to subscryve;" whereupon the Commissioners had continued the matter till 1st March last, providing that meanwhile he should "confer with the bretherine of Nithisdaill for his reconcileatioun," use no public calling, and appear two Sundays in the " place of publict repentance in the kirk of Drumfreis," and there " confes that he hes don wrong in refuseing to subscryve the said confessioun and be his awne default lyne sa lang excommunicat." He not only refuses to comply with this ordinance and continues in his clerkship, but avows, in the presence of complainers, that he will continue in the country " to thair discontentment."—Mr Thomas Ramsay, minister of Drumfreis, appearing for the complainers, the defender, for not appearing, is to be

Page 391. denounced rebel.

Decree against Robert Sempill of Foulwood for non-fulfilment of a contract.

Complaint by Williame Knox, son and heir of the late Thomas Knox of Sellerland, and Elizabeth Knox, his sister, that Robert Semple, now of Foulwood, remains unrelaxed from a horning of 5th July last for not fulfilling a contract of date 8th May 1590, made between the pursuers and their father, on the one side, and Johne Semple of Midletoun, as principal, and the said Robert, as one of his cautioners, on the other side.—Complainer appearing by Gilbert Wat, there is warrant to the Captain of the Guard to apprehend defender and inventory his goods for non-appearance.

Decree against Patrick Boyd of Pitkindie and son for debt.

Complaint by James Halyburtoun, portioner of Pettie, that Patrik Boyd, elder of Pitkindie, and Patrik Boyd, his son, apparent thereof, remain unrelaxed from a horning of 9th April last for not paying him 1700 merks as principal, £40 for expenses, and £20 for each charge specified in the letters of horning.—Complainer appearing by Thomas Lamb, decree as above against defenders for non-compearance.

Page 392.

Decree against William Jack for debt.

Complaint by George Baxter, flesher, burgess of the Cannogait, that William Jak in Deir remains unrelaxed from a horning of 27th March 1605 for not paying him £200 as principal and £40 for expenses.—Com-

Page 393. plainer appearing personally, decree as above against defender.

Decree against Sir William and David Ochterlony for debt.

Complaint by James Beatoun of Melgoine that David Auchterlony, burgess of Monrois, and Sir William Auchterlony of that Ilk, remain unrelaxed from hornings of 18th and 20th May last for not paying him, as assignee to Johnne Balbirny, father-brother of Alexander Balbirny of Innerheichtie, £1000 as principal, £100 for expenses, and £20 for each charge.—Complainer appearing by Mr James Beatoun, decree as above against defenders for non-compearance.

Decree against John Ellem for debt.

Complaint by Johne Buchannane, writer to the signet, that Johne Ellome of Buttirdane remains unrelaxed from a horning of 12th May last for not paying him £1000 as principal and £200 for expenses.—Complainer appearing by Archibald Dowglas, macer, decree as above against defender for non-compearance. Acta 1606-7 Page 394.

Decree against Alexander Hunter and his brothers for debt.

Complaint by Williame Vaitche, son and apparent heir of William Vaitche, younger of Kingisyd, that Alexander Hunter, merchant, burgess of Edinburgh, and Johnne and Thomas Huntairis, his brothers, remain unrelaxed from a horning of 23rd June last for not paying him 2000 merks as principal and 100 merks for expenses.—Complainer appearing personally, decree as above against defenders. Page 395.

Decree against Michael Scott for debt.

Complaint by Andro Law, burgess of Falkland, that Micchell Scot, portioner of Auchtermuchtie, remains unrelaxed from a horning of 27th May last for not paying him 340 merks as principal and 15 merks for expenses.—Complainer appearing by Patrik Kirkaldy, decree as above against defender. Page 396.

Decree against Graham of Thornick for debt.

Complaint by Andro M^{c}Callum in Edinburgh that Robert Grahame of Thornik remains unrelaxed from a horning of 2nd March last for not paying him 500 merks as principal and 100 merks for expenses.—Complainer appearing by Archibald Dowglas, macer, decree as above against defender.

Decree against Alexander Mure and others for debt.

Complaint by Mawse Stanehope, relict of Johnne Courtis, skinner, burgess of Edinburgh, and by Mathew Cuming, writer, now her spouse, for his interest, that Alexander Mure of Coitland, as principal, and Alexander Hill, merchant, and Cuthbert Mure, skinner, burgesses there, as sureties for him, remain unrelaxed from a horning of 6th June last for not paying said Mawse £200 as principal and £30 for expenses, and also £100 as principal and £10 for expenses.—Mathew Cuming appearing personally, decree as above against defenders. Page 397.

Decree against Thomas Gray for debt.

Complaint by Elizabeth Creichtoun, relict of Patrik Blair, portioner of Liff, that Thomas Gray of Mekle Buttirgask remains unrelaxed from a horning of 23rd September 1606 for not paying him 3000 merks as principal and £10, 10s. for expenses.—Complainer appearing by Thomas Lamb, decree as above against defender. Page 398.

Decree against the Laird of Lethame for debt.

Complaint by Robert Durie of that Ilk and Sir James Lundy of that Ilk that David Sibbald of Lethame remains unrelaxed from a horning of 13th June last for not paying them equally 2000 merks.—Sir James appearing, decree as above against defender. Page 399.

Decree against John Guthrie for non-fulfilment of a band.

Complaint by Mr Robert Broun of Pitkeny that Johnne Guthrie in the Mill of remains unrelaxed from a horning of 15th January 1606 for not fulfilling to him a band dated 11th March 1603, and in particular for not "stakeing the coirnes" in the barnyard of Johnne Hunter, as place appointed thereto, and for not paying the complainer £10 as expenses for registration of the band, and £5 for the charge thereupon.—Complainer appearing by Archibald Dowglas, macer, decree as above against defender.

Complaint by Johne Guthrie of Lownane that Mr David Guthrie, Page 400.

Acta 1606-7. chamberlain of Abirbrothok, and Henry Guthrie of Collistoun, remain unrelaxed from a horning of 3rd January last for not paying him, as assignee to Mr Alexander Keith of Over Dysert, 1000 merks as principal, with 300 merks for registering their obligation, and £10 for the charge against them.—Complainer appearing by , his procurator, decree as above against defenders. Decree against Mr David and Henry Guthrie for debt.

Complaint by Agnes Harlaw, relict of Thomas Harvie, writer to the signet, and Johnne Barclay of Drumcarrow, now her spouse, that Johnne Robertsoun, younger, merchant, burgess of Edinburgh, remains unrelaxed from a horning of 9th June last for not paying them 300 merks as principal and £40 for expenses.—Complainers appearing by Archibald Dowglas, decree as above against defender. Decree against John Robertson for debt.

Page 401.

Complaint by David Stewart in Dunfermling, and Jonet Sibbald, his spouse, that Richard Gibsoun, cordiner, burgess of Glasgow, remains unrelaxed from a horning of 12th March last for not paying them £69, 19s. as principal and £10 for expenses.—Complainer appearing by Archibald Dowglas, macer, decree as above against defender. Decree against Richard Gibson for debt.

Page 402.

Complaint by Edward Johnnstoun, merchant, burgess of Edinburgh, that Robert Heriot, younger of Trabroun, remains unrelaxed from a horning of 9th December 1606 for not relieving him at the hands of Gawin Sandielandis of Lumfreud of the payment of 1000 merks, conform to his obligation of 22nd May 1605, and for not paying him £100 for expenses.—Complainer appearing by Archibald Dowglas, macer, decree as above against defender. Decree against Heriot, younger of Trabroun, for not relieving his cautioner.

Page 403.

Complaint by Thomas Wood, son of the late James Wood of Lambeletham, that William Leirmonth, apparent of Dairsie, and Mr Andro Patersoun of Hiltarvet, remain unrelaxed from a horning of 22nd June last for not paying him 3000 merks.—Complainer appearing by David Balfoure, decree as above against defenders. Decree against Learmonth, younger of Dairsie, for debt.

Complaint by George Adamesoun, merchant, burgess of Perth, that Patrik, Lord Gray, remains unrelaxed from a horning of 22nd March last for not warranting the pursuer in an annualrent of 16 bolls and 16 pecks of victual, half bear, half "quhyte aitmeill," conform to a decree obtained before the Council and Session on 6th February last.—Complainer appearing by Thomas Lamb, decree as above against defender. Decree against Lord Gray for debt.

Page 404.

Complaint by Mark Davidsoun in Clairlaw, William Haip and Johne Dowglas there, Andro Pais, Mark Couthird, James Quhyte, and Andro Davidson there, for themselves and the other tenants of the lands of Clarelaw, as follows:—Upon 12th June last, the provost and bailies of Selkirk assembled together the "haill inhabitants" of the said burgh, to the number of 340 persons; who, all armed with corslets, jacks, spears, lances, swords, and other weapons, came "with sound of drum" to the part of the common muir of Selkirk "lyand maist ewest" to the lands of Clarelaw, occupied by the said complainers past memory of man, and there violently drove away their nolt, sheep, and cattle, demolished the "cathis and bouchtis" built by them and their predecessors, assaulted the Mark Davidson and others against the inhabitants of the burgh of Selkirk for chasing away pursuers' cattle from the common muir of Selkirk: Decree of absolvitor.

"wemen that wer then milking the ky and yowis upoun the same commountie," and "with drawin swordis cuttit the veschellis wherein the milk wes for the tyme, and causit the same milk rin furth thairof upoun the ground of the saidis feildis."—Mark Davidsoun appearing for the complainers, and George Michelhill and James Scot, bailies of Selkirk, being present for the defenders, the Lords assoilzie the defenders, because the pursuer, after having produced divers witnesses, has failed in his proof. Acta 1606-7. Page 405.

Act anent six of the ministers under sentence of seclusion for their part in the Aberdeen Assembly of 1605 and their declinator of the King's judgment in that matter.

Johnne Ros, minister at Blair, Mr Robert Youngsoun, minister at Clett, Mr James Irwing, minister at Touch, Mr William Forbes, minister at Kinbethik, Mr James Greg, minister at Lowdoun, and Mr Nathane Inglis, minister at Cragy, had been charged to answer this day for their dissobedience to a former charge to enter in the several places appointed for their confinement "for thair treasonable declyneing of his Heynes judgement" (*ante*, p. 370). All of them appearing except Johnne Ros, and declaring that, "in sa fer as the Kingis Majestie and the saidis Lordis had tane offence aganis thame for the pretendit Assemblie at Abirdene and quhat followit thairupoun thairefter, thay wer maist sorie and penitent that they had gevin his Majestie ony sic occasioun of offence, and thairfore they become in his Majesteis will for the same," the Lords ordain the said ministers now present to be confined to their oun parishes, and not to repair to presbyteries or synods, till his Majesty's will be known towards them. Johnne Ros, for not appearing, is to be denounced rebel.[1] Page 406.

Edinburgh, 3rd July.

Sederunt—Chancellor; Mairschaill; Mar; Lowthiane; Halyruidhouse; Collector; Spott; Sir Michaell Elphingstoun.

Sir William Cranston and Sir John Home released from ward.

Sir William Cranstoun and Sir Johnne Home having been brought from the Castle, and having craved pardon for the offence committed by them yesterday at the Councilhouse-door (*ante*, p. 402), and declared that there is no feud or quarrel between them, and, in token thereof "choppit handis," the Lords ordain them to be set at liberty. Page 407.

[1] This act of comparative leniency in favour of some of the ministers under sentence for their concern in the Aberdeen Assembly may connect itself with the fact that by this time the Proclamation of May 24 had been made public (see *ante*, pp. 370–372). By that Proclamation, though it had prorogued the General Assembly appointed to be held at Holyroodhouse in July 1607 (*ante*, p. 372), three expectations had been held out, intended to pacify the public mind as much as possible in the midst of the prosecutions of Presbyteries and Provincial Synods for opposition to the scheme of Constant Moderatorships. These were (1) that there were to be simultaneous and authorised meetings of all the Provincial Synods in August, (2) that there was to be an Ecclesiastical Conference at Holyroodhouse on the 27th of August, at which deputies specially elected by these meetings of the Provincial Synods should consult with the regular Church Commissioners and some of the King's Councillors as to the controversies in the Church and the best preparation for a real General Assembly, (3) that such a real General Assembly was to meet at Dundee on the 24th of November. The present Act of partial grace in favour of a few of the delinquents in the old matter of the Aberdeen Assembly was, doubtless, meant to work in aid of these expectations.

Acta 1606-7.

Sederunt—Chancellor; Merschaill; Uchiltrie; President; Bishop of Ros; Halyruidhouse; Master of Elphingstoun; Quhittinghame; Kilsyth; Privy Seal; Tungland; Logy; Advocate; Collector; Clerk of Register; Sir Petir Young; Sir Johnne Arnot; Mr Lues Craig. Edinburgh, 7th July.

George, Earl of Mairschaill, gives his oath of allegiance as set down in the Act of 2nd June last (*ante*, p. 375). Earl Marischal takes the Oath of Allegiance.

Page 408.

As, notwithstanding the Act for general arming and wapinschawing (see vol. v. pp. 446-7), there has been no wapenschawing within this kingdom these divers years past, "bot that lovable custome, quhilk of auld wes verie preceislie keipit and wes verie necessar and expedient for the good of the kingdome, is now become in dissuetude," by reason of the negligence of the sheriffs, stewards, bailies of regalities, and magistrates of burghs, there is order to charge all and sundry by open proclamation at the market crosses of the head burghs to "gif and mak thair mustouris and wapponschawing" on 4th August next, armed as required by the said Act, in presence of the said officers of the law, under the pains contained in the said Act.[1] Proclamation of a wapinschawing for 4th August next.

Sederunt—Chancellor; Mar; Kinghorne; Lowtheane; Maxwell; Uchiltrie; Balmerinoch; Saltoun; Master of Elphingstoun; Bishop of Ros; Bishop of Murray; Halyruidhouse; Tungland; Justice Clerk; Privy Seal; Advocate; Collector; Quhittinghame; Bruntiland; Spot; Myrecairny; Sir James Hay; Mr Lues Craig; Clerk of Register; Mr Petir Rollok; Sir Petir Young; Sir Michaell Elphingstoun; Sir Johnne Arnot. Edinburgh, 9th July.

Page 409.

Patrik, Earl of Kinghorne, Johnne, Lord Saltoun, and Johnne, Lord Maxwell, give their oath of allegiance, according to the form in the Act of 2nd June last (*ante*, p. 375). Earl of Kinghorn and others take the Oath of Allegiance.

Complaint by Margaret and Agnes Layngis, daughters of the late Archibald Layng and Margaret Lowtheane, and executors dative to their said mother, and by Andro Scot, chirurgeon, burgess of Edinburgh, said Margaret's spouse, and Mr Robert Scot, writer to the chancery, said Agnes's spouse, that William Ellot in Pencreiff, Symone Ellot in Dudburne, and Gavin Listoun, baxter, burgess of Edinburgh, remain unrelaxed from hornings of 25th May and 9th June last for not paying pursuers certain sums of money.—Mr Robert Scot appearing for complainers, and the said William and Symone (the only two cited), not appearing, there is warrant to the Captain of the Guard to apprehend these two and inventory their goods. Decree against William and Simon Elliot for debt.

Page 410.

Complaint by Sir Petir Young of Seatoun that, upon 16th June last,

[1] It may be no mere coincidence that the day appointed for this general wapinschawing was the day already fixed for the simultaneous meetings of the Provincial Synods of the Church. See *ante*, p. 371.

Sir Peter Young against the magistrates of Forfar for violence and trespass: Decree of absolvitor.

the provost and bailies of Forfer had convocated the whole inhabitants of the said burgh, to the number of 300 persons, who, all armed with corslets, jacks, steelbonnets, spears, halberts, lances, swords, and other weapons, came "with sound of drum" to that part of the common muir of which has been peaceably possessed by the complainer's predecessors past memory of man, and there with spades and swords "cuttit and distroyit the haill turves and dovattis then cassin and win," and chased his servants off the said muir: to which, for fear of their lives, they dare not repair.—Charge had been given to Waltir Lindsay, provost, William Andirsoun, Johnne Dicksoun, and George Huntar, bailies of Forfair, to answer; and now, the pursuer and said bailies appearing personally, the Lords assoilzie the defenders, because the pursuer, after having produced divers witnesses, has failed in his proof, and because the convocation was for "ryding and viseing of the merchis" of the said burgh, and no violence had been committed.[1] Acta 1606–7. Page 411.

Andrew Small in Petty against Andrew Henderson for assault. Defender ordered into ward.

Complaint by Andro Small, son of Thomas Small in Patie, as follows: —Upon 20th June last, while he was at the Mure of Scone at the Midsummer market, Andro Hendirsoun, cordiner in the Mure of Fothringis, came to him, and, having "cullouredlie in a freindlie maner" entered into conversation with him, offered to "gif him the convoy" to his father's dwelling house in Pettie, a distance of six or seven miles. Nothing happened between them on their way "bot pleasand conferrenceis" till "the nycht drew on, and that they come neir unto the Cottertoun of Mekle Buttirgask in a dernit place," when, "about ellevin houris at evin," the defender "maist feirslie" set upon complainer and with his drawn sword wounded him in the head, "quhairof he immediatelie fell to the ground," besides giving him "mony uther bludy straikis."—Pursuer appearing by James Small, his brother, but defender failing to appear, the Lords find the libel proven, and therefore decern defender to enter in ward in the tolbooth of Edinburgh. Page 412.

Decree against David Taylor and Andrew Gray for debt.

Complaint by Mr Johnne Scrogie, servitor to Sir Johnne Schairp of Houstoun, advocate, executor nominate of the late Katherine Oliphant, his spouse, that David Tailyeoure and Andro Gray in Rossie remain unrelaxed from a horning of 16th May last for not paying him the prices of certain goods specified in a decree obtained before the Council and Session on 24th December last.—Complainer appearing by his son, defenders, for not appearing, are to be apprehended and their goods inventoried by the Captain of the Guard. Page 413.

Decree against Arthur Straton for debt.

Complaint by William Walker in Nether Kinmith that Arthour Stratoun, younger of Hill of Cragy, remains unrelaxed from a horning of 2nd June last for not paying him 300 merks as principal and £60 for expenses.—Decree as above against defender for non-compearance.

Complaint by David Kynnynmonth of Glennestoun that, as he was

[1] The Sir Peter Young of Seaton of this entry is the now aged Councillor and Eleemosynar, once colleague or assistant to George Buchanan in the preceptorship of young King James. For much about him see former volumes and this by the Indexes.

Acta 1606-7. Page 414. returning from the burgh of Perth to his own house, Patrick Halkett of Lathenanes followed him with a "drawin sword in his hand behind his bak," therewith struck the horse on which he was riding "throw the womb," so that he "fell with the said complenair to the ground deid," and would then have taken pursuer's life but for the "providence of God" and his own "bettir defence."—Pursuer appearing personally, defender, for not appearing, is to be denounced rebel. David Kininmonth against Patrick Halket for assault: Defender to be denounced.

Page 415. Complaint by Johne Hammiltoun, elder of Blair, that William Fairny of that Ilk remains unrelaxed from a horning of 24th June for not paying him 480 merks a year for certain years specified in the contract between them of date 18th June 1603.—Complainer appearing by Mr James Hammiltoun, his son, defender, for not appearing, is to be apprehended and his goods inventoried by the Captain of the Guard. Decree against William Fairny for debt.

Page 416. Complaint by Harie, Commmendator of Sanct Colm's Inch, that Andro Wood of Rossyth remains unrelaxed from a horning of 5th June last for not paying him £424 as principal and 100 merks for expenses.—Complainer appearing by Alexander Done, decree as above against defender. Decree against Wood of Rossyth for debt.

Complaint by Thomas Henrysoun, merchant, burgess of Edinburgh, that Johne Skrymgeour, merchant in Dundie, remains unrelaxed from a horning of 20th March last for not paying him £46, 13s. 4d. as principal and £7 for expenses, conform to a decree of Council and Session on 18th February last.—Complainer appearing personally, decree as above against defender for not appearing. Decree against John Scrymgeour for debt.

Page 417. Complaint by Adam Bothwell, servitor to Johnne, Commendator of Halyruidhouse, that William Leirmonth, younger of Dairsie, Mr Johnne Clapen of Bellintagart, and Robert Logane, bailie of Restalrig, remain unrelaxed from hornings of 26th and 27th December 1606 and 3rd January 1607 for not paying him 2000 merks as principal and 200 merks for expenses.—Complainer appearing personally, decree as above against defenders for not appearing. Decree against Learmonth of Dairsie and others for debt.

Complaint by Thomas Mathie, cordiner, that Adam Tait in Stenhousmill remains unrelaxed from a horning of 24th June last for not paying him £80 as principal and £10 for expenses.—Complainer appearing personally, decree as above against defender for not appearing. Decree against Adam Tait for debt.

Page 418. Complaint by Thomas Young, writer to the signet, for himself and for Johnne Young, his son, that Harie Forrestair of Corstorphine remains unrelaxed from a horning of 26th June last for not paying said Johnne 1000 merks as principal and £100 for expenses.—Complainer appearing by Young, his son, decree as above against defender for not appearing. Decree against Forrester of Corstorphine for debt.

Page 419. Complaint by Thomas Kennedy of Bargany and Josias Stewart of Bonytoun, his tutor, that Hew Kennedy of Bennane remains unrelaxed from a horning of 6th June last, (1) for not removing from the lands of Over Bennane, and not paying them £1000 as expenses incurred therethrough, conform to his obligation of 3rd February last, (2) for not delivering to the said Tutor his share of the corns, cattle, and goods of the five merkland of Over Bennane, and not paying him £10 for expenses and Decree against Kennedy of Bennan for non-fulfilment of obligations.

50s. delivered by him to the Lords' Collector, according to a decree before the Lords of Council of date 6th January last.—Josias appearing for himself and for the said Thomas, decree as above against defender for not appearing. Acta 1606-7.

To denounce John Scott for assault.

Repetition of the complaint by James and Robert Keris in Dudingstoun against Archibald Wauchop, younger there, and Johnne Scot, servitor to Gilbert Wauchop (*ante*, p. 401).—Charge had been given to Scot to answer this day; and now, James Ker appearing personally, defender, for not appearing, is to be denounced rebel. Page 420. Page 421.

Decree against Mr David Ross and others for debt.

Complaint by David Rynd, flesher, burgess of Perth, that Mr Robert Ros of Cragy, as principal, and Robert Stewart of Haltoun of Loncardie, Johne Ros and Mr James Ros, brothers of the said Mr Robert, Johnne Broun, Patrik Kynnaird, Oliver Rattray, and Marcus Cristell in Cragy, as cautioners for the said Mr Robert, remain unrelaxed from a horning of 9th June last for not paying the complainer 2000 merks as principal, £200 for expenses, and £6 for each charge.—Complainer appearing by George Spence, defenders, for not appearing, are to be apprehended and their goods inventoried by the Captain of the Guard. Page 422.

Decree against Robert Turnbull and Robert Alexander for not relieving a cautioner.

Complaint by James Halyburtoun, portioner of Patie, that Robert Trumble of Denhead and Robert Alshunder of Newcalsay remain unrelaxed from a horning of 20th June last for not warranting him at the hands of George Bissett in Couper of Angus of the payment of certain sums of money.—Complainer appearing by Archibald Dowglas, macer, decree as above against defenders for non-compearance.

Decree against Mr Robert Ross and George Cochran for debt.

Complaint by Mr James Smyth, minister at Errole, that Mr Robert Ros of Cragy as principal, and George Cochrane in the Kirktoun of Malair, cautioner for him, remain unrelaxed from a horning of 8th June last for not paying him 600 merks as principal and £50 for expenses.—Complainer appearing by his procurator, decree as above against defenders for not appearing. Page 423.

Suspension of horning against Chalmers of Fintray.

Complaint by Charlis Chalmeris of Fintray, and Thomas Tailyeour, his tenant in Fintrey, that they are charged, under pain of rebellion, to find caution to Alexander Irving of Drum for his indemnity, Chalmeris in 2000 merks and Tailyeour in 400 merks. Now, as the said pains are far above the sums appointed by Act of Parliament for persons of their rank and calling,—Chalmeris being only a "landit gentilman of a verie meane rent" and Tailyeour being but a "puir laboureair of the ground,"—and as, nevertheless, they have found caution as required, the said horning should be suspended.—Chalmeris appearing, but not defender, the Lords do suspend the letters of horning and modify the pains to 500 merks for Chalmeris and £40 for Tailyeour. Page 424.

Suspension of horning against William Bisset.

Complaint by William Bissett in Balbrogy that he is charged by Patrik Moncur of Chapiltoun to find caution in 400 merks for his indemnity, under pain of rebellion. Now, as complainer is "onlie ane yeaman and puir labourer of the ground, haveing nothing quhairupoun to interteny himselff except onlie the labouring of a mean portioun of land Page 425.

Acta 1606–7. for the quhilk he payis a verie deir ferme," he ought not to be burdened with the pain of more than 100 merks; and as, nevertheless, he has found caution as charged, the horning ought to be suspended.—Complainer appearing personally, and defender by , his procurator, the Lords do suspend the horning and modify the pains of lawburrows to £200.

Sederunt—Chancellor; Mar; Lowtheane; Uchiltrie; President; Halyruidhouse; Master of Elphingstoun; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; Spott; Sir James Hay; Sir Michaell Elphinstoun; Sir Johne Arnot. Edinburgh, 10th July.

Page 426. Order that David, Earl of Crawfurd, and Harie Lindsay of Kinfawnis, his brother, "who ar present in this toun," shall find caution, the former in £10,000, and the latter in £5000, that they, and those for whom they are answerable, shall not harm Sir David Lindsay, elder of Edzell, Mr Alexander Lindsay, his son, David Lindsay of Balgay, Lindsay of Balcaras, or any others, for the slaughter of Alexander, Lord of Spynie, or for any other cause (*ante*, p. 383 and p. 398). The said Hary Lindsay, appearing for himself and his said brother, is ordained to intimate this ordinance to the said Earl, and to report his answer on Tuesday next, 14th instant. Charge to the Earl of Crawford and his brother to find caution for the indemnity of Sir David Lindsay and others.

Order to charge , now Lord of Spynie, and his tutors and curators, if he has any, by open proclamation at the market cross of , and also dame Lyoun, relict of the late Lord of Spynie, Sir Johnne Lindsay of Wodwray, Sir Robert Grahame, son in law of the said late Lord, and James Twedy of Drummelzair, to appear before the Council on 21st instant and find caution for the peace of the country, under pain of rebellion (*ante*, p. 383). Charge to the present Lord Spynie and others to answer for keeping the peace.

Mr Johnne M^cBirny having been lately "placeit as ane actuall minister at the burgh of Abirdene" by Petir, Bishop of Abirdene, "ather be his direct doing, or at the least by his oversicht, tollerationn, connivence, and not finding fault thairwith," and this "altogidder without his Majesteis foirknawlege, previtie, and allowance, and without the consent of the Commissionairis of the Generall Assemblie, according as, by speciall Act of the said Assemblie in the planting of the chief burrowis and cities of this kingdome, it is specialie ordayned," there is order to charge the said Bishop to answer on 4th August next, under pain of rebellion. Charge to the Bishop of Aberdeen to answer for placing a certain minister in that burgh.

Page 427. The King having appointed that the Parliament, fenced and continued to 29th instant, shall, God willing, meet at Edinburgh the said day, intimation hereof is to be made by open proclamation at the market crosses of Edinburgh and the other head burghs, with charge to all having vote "to addresse thameselffis in dew and lauchfull tyme to the burgh of Edinburgh to keip the said Parliament." Proclamation of the meeting of Parliament on 29th instant.

Sederunt—Chancellor; Marschell; Kinghorne; Cathcairt; Uchiltrie; Saltoun; Master of Elphingstoun; Halyruidhouse; Quhittinghame; Bruntiland; Tungland; Justice Clerk; Privy Seal; Edinburgh, 14th July.

Advocate; Collector; Clerk of Register; Spot; Logy; Sir James Hay; Sir Johnne Arnot; Sir Petir Young. Acta 1606-

Caution for the Earl of Crawford and his brother.

Sir Hary Lindsay of Kinfawnis (Carrestoun) appearing and declaring that the Earl of Crawfurd and he are willing to find the caution craved of them for the indemnity of the Laird of Edzell (*ante*, p. 411), but can get no other caution at present than that of each of them for the other, and desiring therefore to have till this day eight days to provide their sureties, the Lords grant the request. Accordingly, a band of mutual assurance is presented for them, to have force only till 21st instant at night; on Page 428. which day the said Sir Harie obliges himself and his said brother to find caution on the conditions prescribed.

Lord Herries takes the Oath of Allegiance.

Johnne, Lord Herris, gives his oath of allegiance according to the form specified in the Act of 2nd June last (*ante*, p. 375).

The meetings of Synods for election of deputies to a Conference preliminary to the next General Assembly, and the Conference itself, prorogued.

Proclamations having been made appointing all the Provincial Assemblies to meet at their ordinary places, and ordaining each of them to choose two of their number to convene at Halyruidhous upon 27th August next with "the remanent commissionairis of provinceis and with the commissionairis of the Generall Assemblie and suche of his Majesteis Counsale as his Majestie sould nominat," for conference on ecclesiastical affairs in view of the General Assembly appointed to be held at Dundie upon 24th November next (*ante*, p. 370–2), the Lords, because a Parliament is appointed to meet at Edinburgh on 29th instant, "whereat those of the Nobilitie and Counsale who wer nominat commissionairis for his Majestie to the saidis synodis of necessitie man be present," therefore prorogate the meeting of the said Synods to 18th August next, and the conference at Halyruidhouse from 27th August till 1st September next. Intimation hereof is to be made by open proclamation. (Compare *ante*, p. 357 and p. 369.)

Discharge to the Earl of Morton and Lord Maxwell from holding courts in Eskdale Muir.

Johnne, Lord Maxwell, appearing this day, as charged, to answer for Page 429. holding courts on the lands of Eskdaill after he had been discharged from holding courts there till the disputes between him and William, Earl of Mortoun, were settled (*ante*, p. 400), and having alleged that at the time of the charge given him he was in England, attending the Earl of Dumbar's convoy to court, and further that the courts held by him had been on Eskdaill Muir and not on Eskdaill, and that, as he had not been prohibited to hold courts in Eskdaill Mure, he had committed no offence, the Lords, understanding that the Earl of Mortoun and Lord Page 430. Maxwell both pretend right to the holding of courts on Eskdaill Mure, ordain, for the better keeping of the peace between them, that neither of them repair to the said place hereafter till it be decided before the Lords of Council and Session which of them has the best title to hold courts within the said bounds. Lord Maxwell is commanded to obey this decree under pain of horning; and letters are to be directed to the Page 431. Earl of Mortoun, commanding his obedience under the same pain.

Charge had been given to David, Lord of Scone, Murray of

Acta 1606–7. Balvaird, George Auchinlek of Balmanno, David Hering of Lethintie, Earl of Caithnes, Alexander, Bishop of Caithnes, Robert Dowglas
Page 432. of Glenbervie, Robert Arbuthnot of that Ilk, Alexander Burnet of Leyis, , Laird of Muchallis, Alexander Cullane, provost of Abirdene, Johnne, Lord Forbes, Forbes of Lethintie, Ogilvy of Finlater, Ogilvy of Banff, Lord Saltoun, Ros, baron of Kilraak, Alexander, Bishop of Murray, Kenneth M^cKanzie of Kintaill,—appointed commissioners for visiting certain presbyteries "to have intreated thame to have establischit thair Moderatouris electit at the Assemblie of Linlithqu" (*ante*, p. 376),—to appear this day and report their diligence in that matter, under pain of rebellion. Lord Saltoun, appearing personally, produces an Act of the presbytery of Dunbennane admitting Mr Robert Howy to be Constant Moderator thereof; the Earl of Caithnes appears by his procurator, who reports the admission of Saul Bryce to be Constant Moderator of the presbytery of Caithness; Lord Scone appears by his procurator, who reports the admission of Mr Alexander Lindsay to be Constant Moderator of the presbytery of Peirth; the Lairds of Arbuthnot and Glenbervie appear by their procurator, who reports the admission of Mr Andro Ramsay to be Moderator of the presbytery of the Meirnis; the Bishop of Murray, appearing personally, reports that all the presbyteries of Murray have received their Constant Moderators; Forbes of Lethintie, appearing personally, reports that the presbyteries of Abirdene, Kincairdin, Ellein, and Garioch have received their Constant Moderators. Accordingly, the Lords exoner the said commissioners, but ordain the Lairds of Finlatter and Banff, as commissioners for the presbyteries of Cullane, Banff, and Deir, and the Laird of M^cCanzie, as commissioner for the presbyteries of Tayne and Ardmannach, to be denounced rebels for not appearing.

Report of commissioners in the matter of admission of Constant Moderators of the northern presbyteries.

Sederunt—Chancellor; Kinghorne; Lowtheane; Uchiltrie; President; Cathcairt; Saltoun; Roxburgh; Master of Elphingstoun; Bishop of Murray; Justice Clerk; Halyruidhouse; Privy Seal; Collector; Advocate; Clerk of Register; Spott; Logy; Bruntiland; Quhittinghame; Mr Lues Craig; Foistersait; Sir Johne Arnot; Mr Petir Rollok.

Edinburgh, 16th July.

Page 433. Complaint by Cristeane Lyell, relict of James Thomesoun, burgess of Edinburgh, that Mr Alexander Sym, advocate, remains unrelaxed from a horning of 27th June last for not paying her £200 as principal and £20 for expenses.—Complainer appearing by William Thomesoun, the Captain of the Guard is to apprehend defender and inventory his goods for his non-appearance.

Decree against Mr Alexander Sim for debt.

Complaint by Archibald Hammiltoun, merchant, burgess of Edinburgh, that Johnne Ellome of Buttirdane remains unrelaxed from a horning of 4th June last for not paying him 1000 merks as principal and 200 merks
Page 434. for expenses.—Complainer appearing personally, decree as above against defender for non-compearance.

Decree against John Ellem for debt.

Protest in favour of Alexander Lawder.

Mr Thomas Mawer, advocate, appearing as procurator for Mr Alexander Lawder in Coldinghame, gives in a copy of letters raised by Robert, William, and Samuell Homes, sons of William Home of Quhytrig, charging Lawder to produce this day the letters of lawburrows raised by him against them, in order to the suspension of the same.—None of the defenders appearing, Mawer protests that Lawder's letters of lawburrows shall be put to further execution against the said Homes; and the Lords admit the protest. Acta 1606

The wapinschawing ordained for 6th August prorogated *sine die*.

As most of the sheriffs and many of the magistrates, and of the noblemen, barons, and others, who were required to take part in the wapinschawing proclaimed to be made on 6th [? sic] August next (*ante*, p. 407), "mon necessarly be present" at the Parliament to be held in Edinburgh, God willing, on 29th instant (*ante*, p. 411), the Lords prorogate the said wapinschawings till a new proclamation be made, commanding all the lieges meanwhile to prepare themselves with the due armour. Page 435.

Decree against John Scrymgeour for nonfulfilment of a band.

Complaint by David, Earl of Crawfurd, that Johnne Skrymgeour, burgess of Dundie, remains unrelaxed from a horning of 7th February last for not fulfilling his band dated 27th February 1606.—Complainer appearing by Alexander Lindsay, the Captain of the Guard is to apprehend defender and inventory his goods for non-appearance. Page 436.

Decree against Kennedy of Blairquhan for debt.

Complaint by Samuell Blaikburne, merchant, burgess of Edinburgh, that Johnne Kennedy, younger of Blairquhan, remains unrelaxed from a horning of 17th June last for not paying him 1000 merks as principal and £50 for expenses.—Complainer appearing personally, decree as above against defender for not appearing.

Decree against Michael Elliot and his brothers for debt.

Complaint by Robert Ellot of Reidheuch that Michaell Ellot in Nether Dodburne, and Archibald and Sym Ellottis in Over Dodburne, his brothers, remain unrelaxed from a horning of 28th August 1605 for not removing from the pursuer's lands of Over and Nether Dodburne, and for not paying him £10, disbursed in obtaining a decree against them before the Lords of Council of date 11th June 1605, with 40s. for the Lords' Collector.—Complainer appearing by William Ellot, his brother, decree as above against defenders for non-compearance. Page 437.

Decree against Wood of Largo for debt.

Complaint by David, Lord of Scone, comptroller, that Andro Wood, fiar of Largo, remains unrelaxed from a horning of 23rd June last for not delivering to him, or to Robert Arnot of Newtoun, his depute, 26 bolls wheat, 4 chalders and 12 bolls bear, 8 chalders and 8 bolls of oats, and 2 bolls of oatmeal, as the feuferme of the lands of Largo and Balbegry for 1606.—Complainer appearing by his said depute, decree as above against defender for not appearing. Page 438.

Mr John Munro, minister at Tarbat, and his servant, against Ross of Muldarg and his servant, for assault.

Complaint by Mr Johnne Monro, minister at Tarbart, as master of Johnne M°Geir, that, upon, 31st May last, Johnne M°Inlae, servitor to Johnne Ros of Muldarg, of his special causing, "set upoun" M°Geir in Ferne with a drawn sword, "and left him lyand upoun the ground for deid."—Pursuer appearing by Mr George Monro, but neither Ros nor his servant appearing, the Lords find the complaint proven, and ordain the defenders to enter in ward in the tolbooth of Edinburgh. Page 439.

Acta 1606-7.

Complaint by David Kennedy of Balmaclannoquhen that Hew Kennedy of Penquhirry, Margaret Dalrumple, relict of David Kennedy of Ardlessane, and Anna, Jeane, and Issobell Kennedyis, her daughters, remain unrelaxed from a horning of 17th June 1606 for not removing from the ten shilling land of Litletoun, being part of complainer's five merkland of Ettiquene, lying in the earldom of Carrik and shire of Air, conform to a decree before the Lords of Council of date 22nd May last, and for not paying him £10 as expenses of the plea, together with 40s. as collector silver.—Charge had been given to said Hew Kennedy to answer; and now, complainer appearing personally, there is order to the Captain of the Guard to apprehend defender and inventory his goods for his non-appearance. Decree against Kennedy of Penquhirry for not obeying a decree of removal.

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Complaint by Thomas Frater in Camerlawis (1) that, in May 1605, while he was returning from the town of Lawder to his own house with Johnne Cranstoun in Kirkhill, the said Cranstoun, on being asked "in a verie sober maner" to pay him a debt, assaulted and wounded him with a drawn sword, (2) that, in May last, the same Cranstoun waylaid him while he was repairing from the town of Dunce to his own house and repeated the offence.—Pursuer appearing personally, defender, for not appearing, is to be denounced rebel. To denounce John Cranston for assault.

Sederunt—Chancellor; Mar; Kinghorne; Uchiltrie; Cathcairt; President; Scone; Master of Elphingstoun; Halyruidhouse; Quhittinghame; Bruntiland; Privy Seal; Advocate; Collector; Logy; Sir James Hay; Clerk of Register; Foistersait; Mr Lues Craig; Sir Johnne Arnot; Sir Petir Young. Edinburgh, 21st July.

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The Lords conclude that the Estates of Parliament shall, God willing, ride on Friday, 31st July, and ordain publication accordingly to be made at the market cross of Edinburgh. Anent the riding to Parliament.

Mr James Balfoure having been confined "be his Majesteis directioun" to the town of Colbrandispeth and two miles round, and it being now the King's "pleasour" that he be removed therefrom to the parish of Aufurde in the shire of Abirdene, there to be confined during his Majesty's will, there is order to charge him to repair to Aufurde, within 20 days after the charge, under pain of rebellion. Mr James Balfour, minister, to change his ward from Cockburnspath to Alford.

Considering that hitherto the Castle of Edinburgh has been "so pestered with multitudis of prisonairis being commitit thairin for materis of debt and suche lyke other caussis as no rowme is left to those who aucht onlie to be committit to that prisone," and that "his Majesteis castellis aucht not to be usit as commoun prisone houssis to personis commitit for debt, who onlie sould be wairdit in the ordinair prisones and jayllis of the cuntrey, and his Majesteis castellis reservit for the custodie of those who ar wairdit for crymes of treasoun, lesemajestie, and utheris grite offenssis," the Lords ordain that in future no persons under the degree of noblemen shall be warded for debt or other ordinary offences in Edinburgh Castle. As to the sorts of prisoners to be committed hereafter to Edinburgh Castle.

Order to Alexander, Earl of Dunfermling, lord chancellor of Scotland,

Duke of Lennox Commissioner for the Parliament.

to append the great seal to the patent whereby his Majesty has appointed the Duke of Lennox his Commmissioner for the ensuing session of Parliament. Acta 1606.

Caution for Lindsay of Kinfauns in the matter of the slaughter of Lord Spynie.

Sir Hary Lindsay of Carrestoun, appearing, becomes bound for himself, and all for whom he is answerable, not to trouble Sir David Lindsay of Edzell, Mr Alexander Lindsay, his son, David Lindsay of Balgay, or any others not at the horn, for the slaughter of the Lord of Spynie (*ante*, p. 412), under pain of perjury; and Thomas Wentoun of Strikmertene, appearing, becomes bound in £5000 that Sir Hary shall keep this Act inviolate,—the said principal, and Sir Johnne Lindsay, his son and apparent heir, becoming sureties in relief. Page 412.

All processes against the Comptroller by his creditors to be stopped till his super-expenses in office be paid him.

James, Lord of Balmerinoch, President of his Majesty's Council, and Principal Secretary of Scotland, presents a letter, signed by the King at Theobaldes, 13th July 1607, in favour of David, Lord of Scone, commanding the "continewatioun of all processis quhilk may be moved aganis the said Lord Comptroller upoun ony bandis granted be him to his creditouris at his Majesteis command, or upoun ony allowance quhatsumevir tane be him in his accomptis, till suche tyme as he be fullie payit of his super-expenssis resting awand to him at the futeing of his last compt." The Lords ordain the letter to be registered and to have the force of an Act of Council. [The letter, accordingly, with its details to the above effect, is inserted in full in the Register.] Page 443.

Anent the caution by the Earl of Crawford.

David, Earl of Crawfurd, consents that his band for the indemnity of the Laird of Edzell, Mr Alexander Lindsay, his son, and David Lindsay of Balgay (*ante*, p. 411), shall stand in force till 28th instant, on which day he shall give "ane direct ansuer anent the cautioun to be found be him."

Edinburgh, 23rd July.

Sederunt—Chancellor; Mar; Uchiltrie; Saltoun; Cathcairt; President; Master of Elphingstoun; Halyruidhouse; Constable of Dundie; Quittinghame; Justice Clerk; Privy Seal; Collector; Clerk of Register; Mr Petir Rollok; Mr Lues Craig; Sir Michaell Elphingstoun; Sir Johnne Arnot.

Charge to the different Synods to choose moderators according to the Act of Linlithgow Assembly.

"Forsamekle as, at the Generall Assemblie of the Kirk haldin at Linlithqu in the moneth of [December] last bypast, quhilk wes assisted with a frequent nomber of the Nobilitie, Counsale, and Estaitis, it wes statute and ordanit that the lytes of the Moderatour of every Synode sould consist of the Constant Moderatouris of the prisbitereis quhairof the Synode is constitute, and they onlie to be put in lyte, and ane of thame chosin Moderatour of the Synode, as in the said Act at lenth is contenit [see *ante*, p. 282, p. 300, and p. 344, footnotes],—and seing the hail Synodis of this kingdome ar now, be the King's Majesteis appointment and directioun, ordanit to convene upoun the auchtene day of August nixt to cum [*ante*, p. 412], necessar it is that the Act anent the Moderatouris ressave executioun at that tyme. For quhilk purpois, the Lordis of Secrite Counsale ordanis letters to be direct to command and chairge the

Acta 1606–7. bretherine of the ministerie to be assembled and convenuit at every Synode within this kingdome the tyme foirsaid, to put in lyte the Constant Moderatouris of the prisbitereyis whereof every Synode consistis, and to mak choise of ane of thame to be Moderatour of the Synode within thrie houris nixt efter thair convening and efter they be chairgit thairto, under the pane of rebellioun."

Page 444. Complaint by George Abirnethie, procurator fiscal, and Mr Alexander Levingstoun, "quote maister" of the commissariat of Edinburgh, as follows :—Upon 19th May 1602, Gilbert Richardsoun in Blakhouse intromittor with the goods of the late Bessie Broun, his spouse, Archibald Cokburne and Agnes Craw in East Restoun, intromittors with the goods of the late Johnne Fische, former spouse of the said Agnes, Johnne Hog in Haderwode, intromittor with those of the late Agnes Davidsoun, his spouse, William Cokburne of that Ilk, intromittor with those of the late Johnne Cokburne of that Ilk and Helene Rentoun, his parents, Persie Dicksoun in Haymure, intromittor with those of the late William Diksoun, his brother, Jeane Home in Synprene, intromittor with those of the late Robert Woddell, Murabell Dalscheill and William Lowrie, her son, in Quenestall, intromittors with those of the late Adame Lowrie, her spouse, Thomas Fairbairne and Issobell Lowrie in Stetchell, intromittors with those of the late James Fairbairne, and, upon 22nd May 1605, Agnes Balfoure in Laighauch intromittrix with the goods of late Johnne Darling, her spouse, Elizabeth Michelsoune in Dunce, intromittrix with those of the late Thomas Dowglas; her spouse, Thomas Trotter in Upsittingtoun, intromittor with those of the late Thomas Trotter, his father, and Robert Ormestoun in Smellume, intromittor with those of the late Johne Ormestoun, his father, had been put to the horn at the instance of pursuers for not giving up inventories of the goods of the said persons defunct, and not obtaining confirmation of their testaments; and the said persons remain unrelaxed from the said hornings.—Charge had been given to the said Johne Trotter, Jeane Home, Elizabeth Michelsone, Johne Hog, William Cokburne of that Ilk, Archibald Cokburne in East Restoun, Agnes Craw, his spouse, Persie Dicksoun, and Gilbert Richartsoun, to answer; and now the pursuers appearing by Archibald Dowglas, macer, the said defenders, for not appearing, are ordained to be apprehended by the Captain of the Guard.

Decree against John Trotter and a number of others for not giving in inventories of the goods of deceased relatives.

Page 445. Complaint by Sir Johnne Chrichtoun of Iunernytie that Alexander Blair of Balgray remains unrelaxed from a horning of 12th April 1605 for not paying him, as assignee to Petir Hay of Kirkland, £844, 9s. as principal and £100 for expenses, the assignation being dated 28th May last.—Complainer appearing by Robert Creichtoun, his brother, decree as above against defender for not appearing.

Decree against Blair of Balgray for debt.

Page 446. Complaint by Robert Cairnecors, merchant, burgess of Edinburgh, that George Hammiltoun, younger, portioner of Prestoun, remains unrelaxed from a horning of 27th June last for not paying him £128.—Complainer appearing personally, decree as above against defender for not appearing.

Decree against Hamilton of Preston for debt.

Complaint by James Cochrane, son of Patrik Cochrane, merchant,

Decree against Peter Anderson for debt.

burgess of Edinburgh, that Petir Andirsoun, merchant, burgess of Couper in Fyff, remains unrelaxed from a horning of 13th June last for not paying him £320.—Complainer appearing personally, decree as above against defender for not appearing. Acta 1606 ; Page 447.

Patrik Heron against Stewart of Garlies for wrongous imprisonment.

Complaint by Patrik Heroun, servitor to Alexander Stewart of Clarie, that Alexander Stewart of Gairleis apprehended him on without just cause, and still detains him as prisoner.—Both parties appearing, and defender having produced an extract bearing that Heroun had been convicted of theft, the Lords ordain defender to release him. Page 448.

Decree for Thomas Younger against Shaw of Sauchy.

Complaint by Thomas Younger of Laitgrene that Sir James Shaw of Sauchy remains unrelaxed from a horning of 6th May 1606 for not paying him 2000 merks as principal and £100 for expenses, as by a contract of 6th June 1598.—Complainer appearing by Archibald Douglas, defender, for not appearing, is to be apprehended by the Captain of the Guard and his goods inventoried for his Majesty's use.

Patrick Hepburne against the magistrates of Haddington for wrongous imprisonment.

Complaint by Patrik Hepburne of Newmylnes that, on 21st instant, when he had gone to the burgh of Haddingtoun to attend an action by him against Patrik Broun, one of the bailies of the said burgh, before the provost and bailies thereof, and when, at the ordinary diet of their court, he had entered their tolbooth, the said Broun, and Harie Cokburne and Richard Spotiswood, also bailies, caused their officers to arrest him there, where he is still detained.—Pursuer appearing by George Hepburne, his son, and Sir William Seytoun, provost of Haddingtoun, and Broun, being also present, the Lords ordain Harie Cokburne and Patrik Broun to put the pursuer to liberty within six hours after being charged, under pain of rebellion. Page 449.

Suspension of horning against Gavin Johnstone.

Complaint by Gawin Johnnestoun in Chappell that he is charged by Mr Johnne Johnnestoun, advocate, to find caution in £1000 for his indemnity, under pain of horning. The said sum is far above that prescribed by Act of Parliament for a person of his condition, he being but a yeoman and poor labourer of the ground, not liable for more than 100 merks. As, nevertheless, he has found the caution required, the said horning should be suspended.—Both parties appearing, the Lords do suspend the horning and modify the pains to 500 merks. Page 450.

George Clerk and William Balfour against John Johnstone for assault and violence.

Complaint by George Clerk in Pottertoun of Balhelveis, [? servitor to Patrik Crombie], and William Balfourt, servitor to Andro Skene in Over Hill of Balhelveis, that, upon 27th May last, Johnne Johnestoun, eldest son of the late Patrik Johnnestoun of Mostoun, upon malice to their said masters, came riding to the town of Haltoun of Balhelveis, belonging to their said masters, "and thair a verie lang space raid athort the growand cornis," destroyed the same with his horse's feet, and, seeing the pursuers building a fold dyke, set upon the said Crombie, wounded him in the head with a whinger, and left him for dead, also giving Bailfourt "mony bauch and bla straikis" with his "feit, nevis, and plumbat of his sword," and demolishing the said dyke.—Patrik Crombie appearing for himself and for Bailfourt, but defender failing to appear, the Lords hold the libel as confessed, and ordain defender to be warded in the tolbooth of Edinburgh. Page 451

Acta 1606-7.

Agnes Bellenden against Hew Bellenden, her good-brother.

Complaint by Agnes Bellindane, relict of James Bellindane of Leswaid, as follows:—On account of the great wrongs done her by Hew Bellindane, her good-brother, he had been charged to find caution for her indemnity in 1000 merks. He had found as cautioner Sir Alexander Hammiltoun, younger of Innerweik; who, however, cannot be sufficient caution, because he has disponed all the living provided for him by his father, and gone abroad. Thus, as she cannot recover decree against the cautioner, her said good-brother has begun of new to intrude himself in a part of her lands, and also intends "some violent deid" against her and her tenants.—

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Complainer appearing, but not defender, the decree is that he find caution for her indemnity in 1000 merks under pain of rebellion.

James Johnstone against Mr John Johnstone anent law-burrows.

Supplication by James Johnnestoun in Middlegill, as follows:—He is charged, under pain of horning, to remain in Edinburgh till he find caution for the indemnity of Mr Johnne Johnnestoun in 3000 merks. Now, the said sum is far above that prescribed by Act of Parliament for a person of his rank; and, as he has already found the Laird of Westraw surety for him in 2000 merks, he should not be burdened to find him new caution.—Both parties appearing, the Lords ordain the said James to

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find new caution in 3000 merks, as required, before leaving Edinburgh.

Edinburgh, 28th July.

Sederunt—Chancellor: Mairschaill; Mar; Mortoun; Kinghorne; Lowtheane; Uchiltrie; Saltoun; Balmerinoch; Master of Lowtheane; Halyruidhouse; Advocate; Constable of Dundie; Privy Seal; Collector; Logy; Mr Lues Craig; Sir James Hay; Foistersait; Bruntiland; Sir Petir Young; Sir Johnne Arnot.

Proclamation for keeping the peace during the sitting of Parliament.

As Parliament is "now begun" in Edinburgh, "quhairunto divers of the Nobilitie and Estaittis, besydis a grite nowmer of uther personis of all rankis and degreis, have alreddy repairit," while others are still expected, and as, "albeit the majestie of this soverayne and heich court, quhilk is the representatioun of the haill body of this estait and kingdome, aucht to move all men of all rankis and qualiteis dewtifullie and peciablie to behave thameselffis at this tyme, and, with a reverent regaird of that honnourable actioun, to forbeir all occasionis quhilkis may procure trouble, mislykeing, and unquietnes," yet "it is to be feirit that some malicious and evill disposit personis, of quhome at sic publict meitingis thair is evir some present, sall, upoun some privat grudgeis of thair awne, gif occasioun of trouble," there is order to charge all and sundry, by open proclamation at the market cross of Edinburgh, come or yet to come to this Parliament,

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to keep the peace, under pain of death.

Prorogation of criminal courts during the sitting of Parliament.

As Parliament is now begun, and is to continue for some days into August, and as the simultaneous meetings of inferior judicatories may "disturb the proceidingis of the Parliament," all diets appointed before the Justice and his deputes in the tolbooth of Edinburgh during this instant month or in August next are prorogated to 1st September next.

Caution for the Earl of Crawford.

Caution in £10,000 by Sir James Skrymgeour of Dudop, constable of Dundie, for David, Earl of Crawfurd, that he, his kin and dependers,—except always David, Master of Crawfurd, and his accomplices, put to the horn for the slaughter of Sir Waltir Lindsay of Balgay,—shall not harm Sir David Lindsay of Edzell, Mr Alexander Linsday, his son, David Lindsay of Balgay, or any of their men, not declared rebels for the slaughter of Alexander, Lord of Spynie (see *ante*, p. 416 and p. 412). Acta 1606-7. Page 455.

Anent the caution found for Gilbert and John Wauchope.

Complaint by Captain Gilbert Wauchop, and Johnne Wauchop, his brother, as follows:—Having been lately charged to find caution to answer when required to a complaint by James Ker, elder in Dudingstoun, and Robert Ker, his son-in-law (*ante*, p. 401), they had found Johnne Wauchop in Nudrie cautioner for them. They are innocent of the crimes with which they are charged; and, moreover, "the said Capitane Gilbert being laitlie imployit be the King of Swadene to levey and tak up ane company of gentilmen to pas to Swadane, quhilkis ar alreddy gadderit togidder in the toun of Leith and reddy to embark, amangis quhome the said Johnne Wauchop, his brother, is lykewyse to depairt," the defenders are waiting to charge their said cautioner for their entry after they shall be gone.—Complainers appearing personally, and James Ker being also present, the Lords decern the caution found by complainers to stand in force, with provision that execution shall pass against them only when they are within this kingdom, and also that they shall not transport Archibald Wauchop, who is a rebel, furth of this kingdom. Page 456.

Edinburgh, 29th July.

Sederunt—Chancellor; Mar; Kinghorne; Lowtheane; President; Scone; Halyruidhouse; Collector; Advocate; Clerk of Register.

Charge to Lord Maxwell not to attend this Parliament.

For eschewing of trouble between William, Earl of Mortoun, and Johnne, Lord Maxwell, there is order to charge Lord Maxwell not to repair to Edinburgh or the Cannogait during this Parliament, and, if he be already on his journey hither, to return home, under pain of rebellion.

Warrant for keeping guard in Edinburgh during Parliament.

"Forsamekle as it is moist necessar and expedient that during this present sessioun of Parliament guid rule and quietnes be keipit within this burgh, thairfore the Lordis of Secrite Counsale ordanis ane maiser or officeair of airmes to pas to the mercat croce of Edinburgh, and thair be oppin proclamatioun to command and chairge the baillies of Edinburgh to caus a sufficient guaird be keipit in thrie severall pairtis of this burgh during the tyme of this present Parliament, and to begin thair guaird upoun Thurisday the penult of this instant, and, in cais ony tumult or commotioun happin or fall out in this burgh, that they tak and apprehend the pairteis and present thame before the Lordis of his Majesteis Counsale to be tane ordoure with and punist as accordis, as the saidis bailyeis will answer upoun thair obedience."

Edinburgh, 30th July.

Sederunt—Chancellor; Marschaill; Wyntoun; Lowtheane; Master of Lowtheane; Saltoun; Uchiltrie; Herreis; President; Torphechin; Page 457.

Acta 1606-7.

Bishop of Sanct Androis; Bishop of Glasgow; Bishop of Murray; Bishop of Brechin; Tungland; Constable of Dundie; Bruntiland; Justice Clerk; Privy Seal; Advocate; Collector; Clerk of Register; M°Kanzie; Kilsyth; Mr Petir Rollok; Foistersait; Sir Lues Craig; Sir James Hay; Sir Johnne Arnot; Sir Petir Young.

Decree against Dempster of Auchterless and others for debt.

Complaint by Frances, Earl of Errole, that Thomas Dempster of Auchterles, as principal, and George Dempster of Logyauldtoun, James Horne in Cuschny, and Patrik at the mill of , as sureties, remain unrelaxed from a horning of 20th December last, the said principal for not paying complainer £6, 13s. 4d. for each boll of 20 bolls 3 firlots of oatmeal, and the said principal and his said sureties for not paying him £6, 13s. 4d. for each boll of 81 bolls 2 firlots of oatmeal with a peck to each boll thereof.—Complainer appearing by Alexander Dowglas, macer, the defenders, for not appearing, are to be apprehended by the Captain of the Guard and

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their goods inventoried for the King's use.

Earl of Winton and others take the Oath of Allegiance.

George, Earl of Wyntoun, James, Bishop of Orknay, and Kenneth M°Kanzie of Kintaill, appearing, give their oath of allegiance *in communi forma* (*ante*, p. 375).

The Master of Maxwell warded.

Robert, Master of Maxwell, having "presentit him oppinlie in the Counsal house" notwithstanding the charge given him to keep his lodging in this burgh till relieved, there is order to the Captain of the Guard to apprehend him, and convoy him to the Castle of Edinburgh, there to remain till freed.

Decree against Michael Scott and Margaret Lundy for debt.

Complaint by David Scot, son and heir of the late David Scot of Kintilloch, that Michaell Scot, portioner of Auchtermuchtie, and Margaret Lundy, his spouse, remain unrelaxed from a horning of 10th instant for not paying him 4000 merks as principal and £100 for expenses, conform to a contract of 20th December 1604.—Complainer appearing personally, the

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defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for the King's use.

Decree against Paterson of Hilltarvet for debt.

Complaint by David Dalgleische, brother and heir of the late Andro Dalgleische, son of the late James Dalgleische, burgess of Edinburgh, that Mr Andro Patirsoun of Hiltarvet remains unrelaxed from a horning of 24th and 26th January last for not paying him certain years of an annualrent of 50 merks.—Complainer appearing personally, decree as

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above against defender.

Decree against Sir William Ochterlony and others for debt.

Complaint by David Gairdin of Lawtoun that Sir William Auchterlony, younger of that Ilk, William Ruthven of Ballindane, David Lindsay, elder of Vane, and David Lindsay, fiar thereof, remain unrelaxed from a horning of 20th June last for not paying him 3000 merks as principal and 400 merks for expenses.—Complainer appearing by Mr Robert Gairdin, decree as above against defenders for not appearing.

Lord Elphinston against George Meldrum for

Complaint by Sir Thomas Hammiltoun of Monkland, King's Advo-

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cate, for his Majesty's interest, and by Alexander, Lord Elphingstoun, that, upon 17th June last, George Meldrum, son of late George Meldrum of

violence and spulyie. Drumbrek, and now servitor to Johnne, Lord Saltoun, with three or four others, armed with swords, gauntlets, bows, darlochs, hagbuts, and pistolets, came to Lord Elphingston's lands of Drumbrek and threatened the tenants of the said lands, commanding them under pain of hanging not to labour the said lands, and violently reft a horse off the said lands belonging to Lord Elphingstoun.—The Advocate appearing by Sir Johne Arnot, and Lord Elphingstoun by Alexander Lesk, defender, for not appearing, is to be denounced rebel. Acta 1606–7.

Decree against Learmonth of Dairsie and others for debt. Complaint by Johnne Ramsay of Pryour Lethame that William Leirmonth, apparent of Dairsie, as principal, and Thomas Monypenny of Kinkell and Alexander Forsyth of Nydie, as cautioners, remain unrelaxed from a horning of 24th June last for not paying him 2000 merks as principal and 400 merks for expenses, with £4 for the charge; and also that the said Thomas Monypenny, as principal, and James Leirmonth of Dairsie, his cautioner, remain unrelaxed from hornings of 24th and 25th June last for not paying him 1000 merks as principal, 300 merks for expenses, and £10 for each charge.—Complainer appearing personally, defenders, for not appearing, are to be apprehended by the Captain of the Guard and their goods inventoried for the King's use. Page 462.

Suspension of hornings against Lord Herries. Complaint by Johnne, Lord Hereis, that he has been put to the horn (1) for not answering touching his alleged hearing of mass and reset of Mr Johne Hammiltoun and Mr Gilbert Broun, papists, (2) for not presenting Edward Edzair, said to have been taken "reid hand" in theft by Robert M°Brair of Almegill, and relieved by the said Lord furth of the pledge chamber of Drumfreis. As complainer was never lawfully charged, and as he found caution to answer this day, the said hornings should be suspended.—Charge had been given to Sir Thomas Hammiltoun, King's advocate, Sir Johnne Arnot, treasurer-depute, Mr Thomas Ramsay, moderator and minister at Drumfreis, and Robert M°Brair of Almagill to answer; and now, Lord Hereis appearing, but none of the defenders, the Lords do suspend the said hornings. Page 463.

Edinburgh, 31st July. *Sederunt*—Lennox; Chancellor; Ergyle; Marschaill; Mar; Wyntoun; Kinghorne; Lowtheane; Viscount Fentoun; Uchiltrie Saltoun; Bishop of Sanctandrois; Bishop of Glasgow; Bishop of Abirdene; Bishop of Murray; Bishop of Caithnes; Bishop of Galloway; Bishop of Orknay; Bishop of Brechin; Bishop of Dunblane; Halyruidhouse; Tungland; Roxburgh; Balmerinoch; Torphechin; Scone; Herreis; Cullrois; Master of Lowtheane; Master of Elphinstoun; Constable of Dundie; M°Kanzie; Justice Clerk; Privy Seal; Advocate; Collector; Bruntiland; Clerk of Register; Spot; Sir James Hay; Sir Johne Arnot; the Laird of Kilsyth; the Laird of Foistersait.

Earl of Argyle and others take the Archibald, Earl of Ergyle, Thomas, Viscount of Fentoun, James, Lord Colvill of Culrois, Robert, Master of Lowtheane, and Sir David Lindsay Page 464.

Acta 1606-7. of the Month, lyon-king-of-arms, appearing, give their oath of allegiance *in communi forma* (*ante*, p. 375). Oath of Allegiance.

"The Lordis of Secrite Counsale remembering how that of auld the Bischopis of this kingdome, who represented the Spirituall Estate, wer ever preferrit, rankit and voitit in Parliamentis and Generall Counsallis before the Lordis of the Temporall Estaite, and the Lordis of Secrite Counsale being weill myndit that in this present sessioun of Parliament and in all tymes heirefter the saidis Bischopis sall have the lyke place and rank as thair predicessouris formarlie bruikit and possest,—thairfore the said Lordis statuteis and ordanis that in this Parliament, and in all Parliamentis heirefter, the Archbischopis and Bischopis sall ryde in estaite to the Parliament house immediatlie before the honnouris, and that they salbe rankit before the haill Temporaill Estaite and sall voit before thame." Act for precedence of the Bishops in Parliament.

As, because of the "present heit" between William, Earl of Mortoun, and Johnne, Lord Maxwell, they cannot both attend this session of Parliament "without appeirance of trouble," Lord Maxwell is ordered to return home, and take his brother, the Master, with him, before 8 o'clock to-morrow morning, or, failing thereof, between 2 and 3 o'clock in the afternoon, when the Estates are in the Parliament house. He is to advertise James Nesbit, bailie, before he removes from his lodging, that he may be convoyed by the said bailie to his horse. The Earl of Mortoun and Lord Maxwell are to subscribe assurances *hinc inde* and to find caution in £10,000 for keeping the same, within ten days, under pain of horning. Lord Maxwell ordained to return home, and he and the Earl of Morton to find mutual assurances.

Sir George Dowglas, for coming out of his lodging in this burgh in violation of the charge given him, is to be committed to ward in the Castle of Edinburgh. Sir George Douglas put in ward.

In consequence of the variance fallen between the Earl of Mortoun and Lord Maxwell, there is order to charge both to subscribe such form of mutual assurances as shall be presented to them, to endure till 1st August 1608, and to cause sufficient sureties for them to subscribe the same. They are to report the assurances for registration within ten days after the charge, under pain of rebellion. Charge for assurances between the Earl of Morton and Lord Maxwell.

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Angus M°Coneill, and "some of his rebellious complices of the clan Dounald and utheris brokin men of the yllis and heylandis nixt adjacent," having "laitlie treasounablie amassit togidder grite forceis of men and galayis, of purpois and intentioun to invaid and persew his Majesteis guid subjectis be sey and land quhair they may find ane advantage," there is order to charge all fencibles, between 60 and 16 years of age, within the bounds of the shire of Wigtoun, stewartry of Kirkcudbricht, and bailiary of Carrik, to hold themselves in readiness to follow the direction of the sheriff, steward, and bailie of the said bounds "in the persute of the saidis lymmairis and repressing of thair insolence," under pain of loss of life, lands, and goods. Proclamation for repressing the treasonable designs of Mac-Donald of Dunivaig and his associates.

Complaint having been made to the Lords of Council by George, Earl

Dispute between the Earl Marischal and the Earl of Errol as to their respective rights in guarding the Parliament House.

of Marschall, "anent some prejudice allegeit done to him be the saidis Lordis in the previlege of his office of marschallschip the tyme of the last Parliament haldin at Perth, by finding that the keyis of the Parliament house aucht to be deliverit and keipit be the Lord Constable, quhilk the said Erll Marschall allegeit to be dew unto him be the previlege of his office and continewall bygane custome, and anent ane ambigous word mentionat in the saidis Lordis decrite and sentence, beiring that the gairding of the utter bar of the Parliament hous appertenis to the Constable," and William Hay, agent to the said Lord Constable (Earl of Erroill), and the said Lord Marschall, having been heard in this matter, the Lords, "for eschewing of heit," declare, as before, that the keeping of the keys of the outer gates belongs to the Constable, and that by the word "utter bar" nothing else was meant than these outer gates. They also find that the guarding of the inner bar and of all within the gates and doors belongs to the Marischal. This decree, however, is to have effect only till decision be given upon the privileges of their respective offices by judges by commission from Parliament, or then by the judge competent thereto (see *ante*, p. 221).

Acta 1606-7.

Page 466.

Charge to Cunningham of Capringtoun and others not to make convocation at the kirk of Cumnock.

Understanding that Cunynghame, younger of Caprintoun, Daniell Cunynghame of Dalkeith, and William Cunynghame of Brounhill, on the one part, and Crawfurd of Auchincors, on the other part, intend to make convocation of their friends in arms and to meet at the kirk of Cumnok "in heit, stryff, and contentioun," the Lords ordain both parties to be charged to hold no meeting at the said kirk and to make no convocation hereafter within the barony of Cumnok till order be taken between them, and also to appear on 13th August next to answer in the premisses, under pain of rebellion.

Edinburgh, 1st August. Charge for assurance between Wood of Largo and Lundy of Balgonie.

Some variance having lately fallen out between Andro Wood of Largo, elder, and Andro Wood, fiar thereof, on the one part, and Robert Lundy of Balgony, on the other part, there is to be charge to both parties to subscribe mutual assurances, to endure till 1st August 1608, and to find caution for keeping the same, within six days after the charge, under pain of rebellion.

Acta 1607-8 Page 467.

Holyrood-house, 3rd August.

Sederunt—Lennox, Commissioner; Ergyle; Marschaill; Mar; Kinghorne; Fentoun; Elphingstoun; President; Roxburgh; Blantyre; Halyruidhouse; Sir James Hay; Sir Michaell Elphingstoun.

Charge to Lord Maxwell to answer for remaining in Edinburgh contrary to order.

As, notwithstanding the intimation made to Johnne, Lord Maxwell, in presence of the Council, that he was not to attend this Parliament and was to subscribe an assurance to the Earl of Mortoun (*ante*, p. 423), he has not only remained in this burgh, but has directed his letter and "cartale" to the Earl of Mortoun, there is order to charge him personally, or, failing

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Acta 1607-8.

thereof, at his dwelling house in Drumfreis and by open proclamation at the market crosses of Drumfreis and Edinburgh, to answer before the Council on 8th instant for his disobedience.

William, Earl of Mortoun, appearing, promises upon his honour not to receive any cartels or challenge from Lord Maxwell, or send any to the said Lord, before Sunday next, 9th instant, at night, and to appear before the Council on 8th instant. The Earl of Morton's promise to the Council.

Sederunt—Lennox; Chancellor; Angus; Ergyle; Marschell; Mar; Kinghorne; Lowtheane; Tullibardin; Bishop of Glasgow; President; Saltoun; Roxburgh; Scone; Blantyre; Halyruidhouse; Master of Lowtheane; Collector; Clerk of Register; Privy Seal. Edinburgh, 8th August.

Page 469.

Johnne, Lord Maxwell, failling to appear this day as charged (*ante*, p. 424), is to be denounced rebel. To denounce Lord Maxwell.

William, Earl of Mortoun, appearing, becomes bound in honour not to send any challenge to Lord Maxwell or accept any from him, till relieved of this band. Band by the Earl of Morton.

As, albeit single combats and the sending and accepting of challenges for combats be prohibited by the laws, Johnne, Lord Maxwell, "upoun some foolische and young consait," has sent cartels and challenges of combat now in the time of Parliament, for which, and for his non-compearance before the Council, he is denounced rebel, there is order to charge him not to send hereafter any challenge to the Earl of Mortoun, under pain of treason. Charge to Lord Maxwell not to send more challenges to the Earl of Morton.

Page 470.

My Lord Commissioner and the Lords of Secret Council having thought meet that the Estates shall ride to Parliament, God willing, to-morrow, and be in the Parliament house at 9 o'clock in the morning, intimation hereof is ordered at the market cross of Edinburgh by open proclamation, warning the Prelates, Nobility, and remanent Estates to be at the palace of Halyruidhouse by 8 o'clock to-morrow morning, so as to accompany his Grace therefrom on horseback to the Parliament house. Edinburgh, 10th August. Proclamation anent the riding to Parliament.

Sederunt—Lennox; Chancellor; Wyntoun; Kinghorne; Lowtheane; Tullibardin; Bishop of St Androis; Bishop of Glasgow; Saltoun; Holyrood-house, 12th August.[1]

[1] The Scottish Parliament of 1607, for which we have seen preparations in several recent entries (*ante*, pp. 411, 415, 419–20, 423–424), had risen on the day preceding this, Aug. 11, having sat in Edinburgh since the 3rd, under the presidency of the Duke of Lennox, acting as the King's High Commissioner in place of the Earl of Montrose, who was disabled by ill health. A feature of novelty in the ceremonial of the Parliament, as compared with the last or any other Parliament within recollection, was the precedence of rank and dignity assigned, as by the late special Act of Council (*ante*, p. 423), to the Prelates present over the temporal Peers. Of these last the attendance was not numerous. "The most part of the ancient nobilitie," says Calderwood (vi. 669), "were absent; the most part who were present were new nobilitated,"—*i.e.*, were peers of recent creation. The proceedings of the Parliament, recorded in *Acta Parl. Scot.*, iv. 364–401,

Uchiltrie; Roxburgh; Elphingstoun; President; Scone; Blantyre; Halyruidhouse; Kilsyth; Advocate; Collector; Spott. Acta 1607–

Commission of justiciary to the Earl of Argyle over all the Isles of Scotland with certain exceptions.

Considering the "wicked and detestable behaviour of the inhabitantis of the Yllis of this kingdome and continent nixt adjacent," who "have thir mony yeiris bigane continewit in committing of barbarous and cruell murthouris, fyre-raising, oppin and avowed reiffis and utheris insolenceis and enormiteis, offensive to God, sclanderous to this natioun, and not worthy to be hard of in ony christeane governament," and who, moreover, "detene and withhaldis frome his Majestie ane grite pairt of his Majesteis patrimonie, and ar avowed enemeis to all his Majesteis guid subjectis who wald interteny ony trafficque or handing amangis thame, sua that the haill yllis and lochis thairof, quhilkis God hes wounderfullie enricheit with all fertilitie and aboundance of coirnis, bestiall and fischeis, ar be the barbaritie of thir lawles lymmairis maid unproffitable," the Lords of Council, "acknawlegeing the guid dispositioun of Archibald, Erll of Ergyle, to do his Majestie service, and how that he is moist meit to be imployed in service aganis thame, alswele in respect of his awne freindschip and moyane in the Yllis as of his power and forceis in the continent,"

were not so important altogether as those of "The Red Parliament of Perth" of the preceding year (see *ante*, p. 226, footnote), but included several Acts of some mark.—The first, entitled *Act anent the Union of Scotland and England*, brought to a point, so far as Scotland was concerned, the deliberations on that subject which had been going on sluggishly for more than two years. Basing itself on the Articles of the Draft Treaty that had been agreed upon at Westminster on the 6th Dec. 1604 between the Commissioners for Scotland and those for England (see *ante*, p. 23, footnote), and approving of all that the Scottish Commissioners had done in the conduct of that Treaty, it repealed certain enumerated statutes hostile to England and Englishmen made in the old times of international animosity, provided for the extinction of the peculiar laws of the Borders and for the government of that middle portion of the now united Island by ordinary methods, and also extended to Englishmen community of rights with Scotsmen in matters of trade and commerce,—all these enactments, however, to be conditional on the passing by the English Parliament of an Act of substantial reciprocity in favour of Scotland, and to have no effect till the passing of such an English Act.—Among the other Acts were three or four of an ecclesiastical nature, of which one was *Aganis the sayaris and wilfull heiraris of Mess*, confirming previous Acts against Roman Catholics and their worship, while another, entitled *Act anent the Chapter of Sanctandrois*, was in the direction of the King's persevering policy for the full restoration of Scottish Episcopacy. It empowered Archbishop Gledstanes of St Andrews to elect seven qualified persons of his clergy "to be the perpetuall convent, counsaill, and chapter of the said Archebiscoprik in all tyme cuming," with arrangements for elections to vacancies in the chapter by the Archbishop and his successors. This was substantially a revival of diocesan chapters for all the Bishoprics of the kingdom.—As the Gowrie Conspiracy anniversary of the 5th of August happened during the sitting of this Parliament, there was opportunity for an unusually distinguished celebration of that day in Edinburgh. A number of the nobles and others, with the Duke of Lennox, as the King's High Commissioner, in the midst of them, met at the Cross of Edinburgh, specially covered and decorated for the occasion, and publicly drank the King's health. Wine was handed about and sweetmeats thrown among the people, the town bells were rung, and bonfires were kindled at night. Calderwood, who never fails to connect public events offensive to his Presbyterian feelings with whatever he could conceive to be their divine chastisement, notes that this "vanitie and pastyme" of the 5th of August 1607 was followed by an increased outbreak of the Plague (vi. 672).—For nearly three years this pestilence had been flickering hither and thither throughout Scotland, fastening on some towns and districts more strongly than on others.

cta 1607–8. constitute him lieutenant and justice within all the isles of this kingdom, except Ust, Egg, Canna, Rum, Barra, Rasa, Hirtha, the Sky, and the
ge 471. Lewis, with power (1) to levy men of war for pursuit of the said Islemen; (2) to charge as many of the said Islesmen as he may think fit to appear before him, and "the personis compeirand to mak fast and present thame to the saidis Lordis"; (3) to try by assize persons guilty of murder, mutilation, fire-raising, ravishing of women, robbery, theft, and sorning, and for this effect to hold courts of justiciary; (4) to apply to his own use the goods of malefactors "justifeit to the deid"; (5) to charge all and sundry
ge 472. within the shires of Ergyle and Tarbet, by open proclamation at the market crosses of the head burghs within the same, to rise and assist him when advertised. This commission is to endure for six months.[1]

Assurances between Sir Robert Stewart and George Pringle.

Some controversy having lately fallen out between Sir Robert Stewart of Schillinglaw, tutor of Tracquair, and George Pringle of Torwodlie, there is order to charge both parties to assure one another till 1st August 1608, within six hours after the charge, under pain of rebellion.

To try two burgesses of the Canongate for breach of the peace.

Patrik Hairt and Duncane Nesche, burgesses of the Cannogait, having on instant pursued one another with weapons there during the sitting of Parliament and "maid a verie grite commotioun," there is commission to Robert, Lord of Roxburgh, who has the charge of Bellindane of Brochtoun, lord of the regality of Brochtoun, now in his minority, to try the matter, and to punish the offenders by warding or fining.

Anent the Commissioners for the late erections.

Parliament having appointed 1st November next for the meeting of the commissioners nominated for setting the blench duties and ministers' stipends of the late erections, publication hereof is to be made to all whom it concerns.

The Synod of Perth discharged from meeting, in respect of their late "insolence."

ge 473. As, albeit the Synods of this kingdom are ordained by his Majesty's direction to meet in their ordinary places upon 18th instant (*ante*, p. 416), yet "it is not the meaning nor intentioun of his Majestie and Lordis of his Secrite Counsale that thair salbe ony meiting at all of the Synode of Perth, bot that that synode sall continew suspendit from all conveneing or meiting at the tyme foirsaid, or ony uther tyme heirefter ay and quhill they gif unto his Majestie satisfactioun and contentment be thair penitencie for the insolence and contempt done be thame the tyme of the last synode keipit be thame within the burgh of Perth" (*ante*, p. 385), there is to be proclamation at the market crosses of Striveling and Perth charging the ministers of the said Synod accordingly, under all highest pain.

Edinburgh, 13th August.

Sederunt—Cancellarius; Marschaill; Kinghorne; Bishop of Ros; Uchiltrie; Elphingstoun; President; Scone; Halyruidhouse; Advocate; M°Kanzie; Collector; Sir James Hay; Sir Johnne Arnot; Foistersait.

[1] The Earl of Argyle now takes the place of the less manageable Marquis of Huntly as the King's trusted agent for the subjugation of the Isles.

Suspension of horning against Kirkcaldy of Abden.

Complaint by Johnne Kirkcaldy of Abden that he is charged by Johne Boiswele of Pittedy to find caution in £1000 for his indemnity, under pain of horning. As he found caution before to Boiswele in £1000 "actit" in the Books of Council and Session, conform to the charge executed against him, as a copy of the said charge, marked by Adam Couper, clerk for receiving the said caution, of date 1st November 1600, bears, and as the said pain is far above the sum prescribed by Act of Parliament for a person of his rank, and as nevertheless he has found the caution required, the said horning should be suspended.—Pursuer appearing by his son, but defender not appearing, the Lords do suspend the said horning. Acta 1607 Page 474.

Suspension of horning against William Johnstone.

Complaint by William Johnnestoun in Wester Bellilisk that he is charged by Johne Patoun of Middle Billilisk to find caution of lawburrows to him in 100 merks, under pain of rebellion. As, till Patoun swears that he dreads horn from complainer, no caution ought to be found to him, and as, besides, complainer is a poor young boy, herd to Johnne Johnnestoun of Wester Bellilisk, and not worth £12, and as he has nevertheless found caution as required, the horning should be suspended.—Pursuer appearing, but not defender, the Lords do suspend the horning and modify the 100 merks to £20. Page 475.

Decree against Dempster of Auchterless and others for debt.

Complaint by Alexander Burnet in Chapeltoun of Drumblait that Thomas Dempster of Auchterles, William Barclay of Siggetmill, and George Dempster, portioner of Ordley, remain unrelaxed from a horning of 8th July last for not paying him £800.—Complainer appearing by Archibald Dowglas, macer, defenders, for not appearing, are to be apprehended by the Captain of the Guard and their goods inventoried for the King's use. Page 476.

Decree against Sir William Ochterlony and his cautioner for debt.

Complaint by Rebecca Grahame, daughter of the late Archibald Grahame, merchant, burgess of Edinburgh, and by Alexander Grahame, her spouse, that Sir William Auchterlony, apparent of that Ilk (Laird of Kellie), as principal, and Thomas Lyell of Murthill, as surety, remain unrelaxed from a horning of 16th July last for not paying them 2000 merks as principal and £200 for expenses.—Alexander Grahame appearing, decree as above against defenders for not appearing. Page 477.

Cunningham of Caprington against Crawford of Auchincross and others for violence and oppression: Some of the defenders assoilzied and others denounced.

Complaint by Sir Thomas Hammiltoun of Monkland, King's Advocate, for his Majesty's interest, and by William Cunynghame of Capringtoun, and Lourence Murdoch, his tenant of the lands of Brokloch, as follows:—Cunynghame having charged George Crawfurd of Auchincors to remove from the said lands in order that his said tenant might possess them, conform to a decree obtained before the Council and Session, Crawfurd, on 17th July last, when Cunninghame was in Edinburgh, convened, in the house of George Crawfurd, younger, his son, in Corsentoun, William Carmichaell, son of William Carmichaell in Redimyre, Johnne Carmichaell, his brother, Waltir Carmichaell, brother of the Captain of Crawfurd, William Moffet, called of Grantoun, Umphra Jerdane, Johne Carmichaell in Sanquhairtoun, Williamsoun, son of the late Robert Williamsoun of Glendork, Alexander Tennent, servitor to George Dowglas

Acta 1607–8.

of Wattersyde, younger, Robert Oliphant, servitor to the Captain of Crawfurd, Cathcairt, son of Johne Cathcairt of Sanquhairtoun, all open rebels, and there devised how to execute their malice. For the "bettir effectuating" of their purpose, said George Crawfurd, elder, privately warned Sir Robert Dalzell, apparent of that Ilk, father-in-law of the said George, younger, and William Creichtoun, sheriff of Nithisdaill, to be prepared with their whole forces to meet at , for the rescue of the defenders in case of danger after they should have committed their "foull and unhonnest fact." Accordingly, the said persons, and William Crawford, second son of the said George, elder, armed with lances, spears, gauntlets, swords, hagbuts, and pistolets, by the special hounding out of the said George, elder, came by break of day, on 18th July last, to Murdoch's dwelling house, and "thair lay at await for him at the bak of his said house." Murdoch "haveing verie tymouslie that morning past furth with his cattell and guidis to the hillis, and being returning hame to mak himself reddy for going to the kirk to serve God, to the effect he mycht be the bettir prepared upoun the morne to ressave the holie communioun," they "feirslie" set upon him, and so cruelly wounded that they "left him lyand for deid, and caist him in a ditche and gutter, beleving assuiredlie he had bene deid." Afterwards, they struck and wounded Agnes Porter on the head with the guards of a sword, and, having locked Murdoch's wife and bairns in his house so that no clamour might be heard till they were away, "laip on horsbāk" and came to the said William Cunynghame's mill of Cumnok. There they "commandit Johne M^cNaucht to tell to dame Agnes Campbell, spous to the said Laird of Caprintoun, thairof, and to caus hir to bind up hir manis heid,—for they had layit him up to sleip"; after which they "immediatelie raid to the place appointed, quhair they wer ressavit be the saidis Laird of Dalzell and the schiref of Nithisdaill, George Crawfurd, younger of Auchincors, and Patrik Hammiltoun, younger of Burnetoun; quhilkis personis the said Laird of Dalzell and Provest of Sanquhair, be oppin sound of drum throw the toun of Sanquhair, that day tymouslie had convenit [?together with] the haill inhabitantis thairof; and the said William Creichtoun, as schiref of Nithisdaill, had convenit the haill barony of Sanquhar, with the haill cuntrey men thairabout: quhilkis personis, with convocatioun of his Majesteis leigeis, to the nowmer of twa hundreth personis on horse and fute, all bodin in feir of weir, come with sound of drum and pype to the place appointed, and thair ressavit the saidis malefactouris." William Cunynghame, younger of Capringtoun, hearing of this oppression, had ridden out with a few of his friends in order to apprehend the said malefactors, and had come to the march between his said father's lands and barony of Cumnok and the lands of Sanquhair and Nithisdaill, "lipyning for na sic thing as ony abuschement, troupis of horsemen and futemen, as wer then lyand thair," when "the saidis Lairdis of Dalzell and Schiref of Nithisdaill, and George Crawfurd, younger, come on horsebak fra thair company, quhair the saidis malefactouris wer for the tyme, to the said

Cunningham of Capringtoun against Crawford of Auchincross and others for oppression.

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Cunningham of Caprington against Crawford of Auchincross and others.

William Cunynghame, younger of Capringtoun, and, for a cullour and pretext of excuse, declairit they knew nothing of the mater nor of the said cryme; and thair the said George Crawfurd, not able to contene and suppress his privat grudge, brak furth and utterit mony dispytfull speitcheis aganis" William Campbell of Blarrein, of purpose to draw on some quarrel between the Laird of Capringtoun, younger, and the said Laird of Dalzell and Sheriff of Nithisdaill.—Charge had been given to Sir Robert Dalzell of that Ilk, William Creichtoun, sheriff of Nithisdaill, George Crawfurd in Corsintoun, Johnne Carmichaell in Sanquhairtoun, Allane Cathcairt there, George Crawfurd of Auchincors, William Crawfurd, his son, Patrik Hammiltoun in Lowis, William Crawfurd, William Carmichaell, Johnne Carmichaell, his brother, Robert Oliphant, Johne Williamsoun, William Moffet, and Umphra Jerdane, to answer; and now, pursuers appearing personally, and passing from the dittay against the said Sheriff, George Crawfurd in Corsingtoun, Sir Robert Dalzell, Johne Carmichaell, and Patrik Hammiltoun, and none of the other defenders appearing, the Lords ordain the absentees to be denounced rebels, and command the said George Crawfurd and Patrik Hammiltoun to find caution, the former in £5000 and the latter in 500 merks, for the indemnity of the Laird of Capringtoun and his said tenant, and not to reset the said persons ordained to be denounced rebels. Caution is found by Sir Robert Dalzell of Eliok and Sir Robert Creichtoun of Cluny for George Crawfurd, younger of Auchincors, in £1000, and by the said George Crawfurd for Patrik Hammiltoun, to the effect abovewritten. Acta 1607-

Page 480.

Band for Sir John Lindsay of Woodwrae.

Registration by James Stewart, indweller in Edinburgh, as procurator for the parties, of a band of caution in £5000 by Alexander Lindsay of Kathik for Sir Johnne Lindsay of Wodwray, that he and his men shall keep the peace and not harm Sir David Lindsay of Edzell, Mr Alexander Lindsay, his son, and David Lindsay of Balgay, or their men, tenants, and servants who are answerable, but are not rebels, for the slaughter of Alexander, Lord of Spynie. The band, written by Alexander Wylie, servitor to James Prymrois, Clerk of Council, is subscribed at Coupar, 6th August, before David Lindsay of Querrellhill, Johnne Rynd, servitor to the said principal, James Philp, messenger, and Patrik Mows, notary.

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Charge for rendering the Castle of Stornoway to the Gentlemen Portioners of Lewis.

The castle of Stranuway (Starnway) and other fortalices in the Lewis, which belong to the gentlemen portioners thereof, having been surprised by Rory M°Cleud of Dunveggane, who will not deliver the same to their said owners, there is order to charge him to render the said houses to the commissioners nominated by the said portioners for receiving thereof, within six hours after the charge, under pain of rebellion.

Page 482.

Commissioners to attend the Synod of Fife.

As the Synod of Fyff has been appointed to be kept upon 18th instant (*ante*, p. 416), and as it is necessary that commissioners for his Majesty be present, commission is given to James, Lord Lindsay of the Byris, David, Lord of Scone, and Johnne, Lord Halyruidhouse, or any two of them, to "meit with the bretherine to be thair convenit and assemblit, and to propone unto thame sic articlis as they have in credite frome his

Acta 1607–8. Majestie, and to confer and reasoun thairupoun and in all uther thingis quhilk salbe proponed and motioned in that Assemblie, and generallie all and sindrie utheris thingis to do and use quhilkis ar proper to thair chairge in this mater."

Decree against Sir Hew Carmichael for debt.

Complaint by Bessie Coittis, relict of Johnne Grahame, merchant in Edinburgh, that Sir Hew Carmichaell of Westoun remains unrelaxed from a horning of 6th March 1604 for not paying her £80 as principal and £20 for expenses.—Complainer appearing by Symone Grahame, her son, defender, for not appearing, is to be apprehended by the Captain

Page 483. of the Guard and his goods inventoried for the King's use.

Decree against William Ker for debt.

Complaint by Elizabeth Cranstoun, relict of Lancelot Ker in Kelso, that William Ker in Middle Meswallis remains unrelaxed from a horning of 1st July last for not paying her the profits of certain lands wrongously withheld from her by him for five years, conform to a decree of the Council dated 14th March last, and for not paying her £20 as expenses of plea and £5 for the Lords' collector's money.—Complainer appearing by

Page 484. Mr Johnne Home, decree as above against defender for not appearing.

Decree against Haig of Bemerside for debt.

Complaint by Barbara Broun, relict of David Broun, merchant in Edinburgh, that James Haig of Bemersyde remains unrelaxed from a horning of 30th July last for not paying her £162 as principal and £20 for expenses.—Complainer appearing by Patrik Murray, decree as above against defender for not appearing.

Continuation for nineteen years of a right of impost to the burgh of Dumbarton for protection of the town from inundations.

The King's Majesty, by his letter under the privy seal of date 10th September 1600, had given to the provost and bailies of Dunbartane for seven years the impost following, to be employed by them for the "saulftie and preservatioun of the said burgh fra the inundatioun of watteris" :—viz. for every cow, ox, horse, mare, or "staig" passing through the liberty of the town to any market, 8d.; from every merchant attending the Lammas fair and Patrickmas fair in the burgh, and keeping a booth

Page 485. within the same, 2s. 6d.; from "ilk claithman, smythis, and utheris standing upoun the commoun calsayis of the said burgh, haveing geir to sell," 12d.; from each "cranie standing upoun the calsay," 6d.; of each boat passing through their river with timber and bark to any markets in or out of burgh, 3s. 4d. each time; of every boll of bark sold in the said market, 6d.; of every ship, barque, or crear coming from foreign places or from the Isles to the said burgh, thus,—a ship above 50 tons 13s. 4d., barque above 20 tons 6s. 8d., crear above five tons 3s. 4d., the goods to pay two-thirds, and the vessel one-third; for each "couper boit of herring," 3s. 4d once in the year. As the period of the said grant is almost expired, and as the Commissioners of Burghs have granted licence to the said burgh to apply for a new grant for 19 years, the Lords continue the said right of impost for 19 years.

Act anent the Presbytery of Ayr.

Charge having been given to Andro, Lord Stewart of Uchiltrie, and Sir Johnne Wallace of Carnaill, to report this day, conform to their commission, whether the presbytery of Air "ressavit a Constant Moderatour" according to the Act of the Linlithqu Assembly, and the said Sir

Johnne now appearing and excusing himself in the matter because the said presbytery had not convened since the last ordinance made to that effect, the Lords ordain him to report the obedience of the said presbytery by this day eight days, under pain of rebellion. Acta 1607–8. Page 486.

Ordinance for the keeping of the peace by the Laird of MacIntosh's men.

The late Lauchlane M°Intosche of Dunnauchtane having departed this life, and M°Intosche, his oy and apparent heir, being minor and thereby unable to undertake the burden for those whom the said Lauchlane "wes maid to answer," and it being therefore necessary to convene some of Lauchlane's clan and kin so that some "guid course" might be taken in the circumstances, charge had been given to Angus M°Fersane in Brume, Angus M°Faill in Kinchyle, Allaster M°Connoquhy Kerquhair in Banquhair, Donald M°Quene of Corribruarch, Malcolme M°Intosche, son of the late Lauchlane M°Intosch of Dunnauchtane, Lauchlane M°Intosche of Gask, and Gillichallum M°Weane in Tullochrombie, to answer this day in the premisses (*ante*, p. 399).—The said Ewne Angus M°Fersane and Gillichallum M°Veane now appearing, with William M°Intosche, son of the late Lauchlane M°Intosche of Dunnauchtane, and the said Angus M°Condoquhy, Angus M°Faill, and Lauchlane M°Intosche of Gask, appearing, by Mr Thomas Mawer, their procurator, and the said procurator having declared that his clients are men of George, Marquis of Huntley, and that the said Marquis would be answerable for them, but said Donald M°Quene of Corriburgh, and Malcolme M°Intosche, son of the late Lauchlane, failing to appear, the Lords order these last two to be denounced rebels, and command the Marquis to produce his said men, under pain of rebellion. Page 487.

Bond for the Laird of MacIntosh.

William M°Intosche, son of the late Lauchlane M°Intosche of Dunnauchtane, Angus Williamsoun of Termet, Ewne Angus M°Fersane in Brume, and Gillichallum M°Veane in Tullochrome, appear and oblige themselves to be answerable, during the minority of the present Laird of MacIntosche, for all deeds by such persons as the late Laird was held accountable for.

Suspension of horning against Murray of Cockpool.

Complaint by Sir James Murray of Cokpule that he is charged by Johnne Maxwell of Conhaith to find caution in 2000 merks for his indemnity, under pain of rebellion. As the sum is far above that prescribed by Act of Parliament for a person of his rank, and as he has nevertheless found caution as required, the horning should be suspended. —Pursuer appearing by James Dowy, but defender not appearing, the Lords do suspend the horning and modify the said sum to £1000. Page 488.

Edinburgh, 1st September.[1] Commission for the trial of Bennet of Chesters, accused of murder.

William Bennet of Chesteris having lately entered the house of , and cruelly wounded him in his bed, so that he afterwards died, and

[1] In the nineteen days of interval between this sitting of the Council and that last recorded a good deal had occurred of interest in connexion with the state of Church affairs :—(1) *The Death of Mr James Nicolson, Bishop-designate of Dunkeld.* This occurred on the 17th of August. How important the event was considered may be guessed from notices we have had of his recent prominence in the Church. He had been one of those Court-clergy who were summoned to London for the conference with Andrew Melville and

Acta 1607–8. having murdered the wife of the said when she was "preissing to reskew and help hir housband," had been taken by Sir William Cranstoun and is now in his hands, commission is therefore given to Sir William to hold court for Bennet's trial, and to administer justice according to law.

the other Presbyterian ministers; after his return he had been moderator of that Linlithgow Convention of December 1606 whose actions had given rise to so much debate and tumult; and it had come out, to the surprise of many, that he had been induced to accept a Bishopric (see *ante*, p. 279, footnote, p. 283, footnote, and p. 382, footnote). In the Parliament just ended there had been an Act in his favour, annexing his parsonage of Meigle to his Dunkeld bishopric. His gift of the bishopric, however, had not passed the seals; and, according to the contemporary Presbyterian accounts, his death was caused by the "heavy melancholy" into which he had fallen by reason of the trouble and unpopularity which the honour, and his share in the Linlithgow Convention, had brought upon him. On his death-bed, they say, he expressed his regret at having accepted the bishopric; and it was by his own express instructions, they add, that in his last will and its confirmation he is not styled Bishop, but only "Mr James Nicolson, minister of the Evangell at Megill" (Calderwood, vi. 671–672, and viii. 295–296).—(2) *The Simultaneous Extraordinary Meetings of the Provincial Synods.* These, originally called by the King for the 4th of August (*ante*, p. 371), but adjourned to the 18th (*ante*, p. 412), seem all to have then duly taken place, with the exception of the Synod of Perth, which had been discharged from meeting because of its special delinquency (*ante*, p. 427). The reason for fixing one and the same day for the meetings was that it was hoped the Synods would be more amenable to the King's wishes from being ignorant of each other's proceedings. The expectation was disappointed. In the Synods of Lothian and Fife (see Calderwood, vi. 672–677) there was vehement opposition to the scheme of Constant Moderatorships of Synods, and but small alacrity in electing the Commissioners desired by the King to the Ecclesiastical Congress at Holyroodhouse which had been advertised for the 27th of the same month (*ante*, p. 371). The other Provincial Synods seem to have been equally refractory, all except the Synod of Angus, which had already accepted its Constant Moderator. What makes these meetings of the Synods on the 18th of August 1607 the more memorable is that in them for the first time there were produced on the part of the Government copies of that Act of the Linlithgow Convention eight months before which had hitherto been persistently kept back (*ante*, p. 380, footnote). It was thought that the death of Mr James Nicolson, who would have been the best authority as to the original form of the Act, removed the chief obstacle to its production. At all events, the authenticity of the Act as now produced was distinctly repudiated in several of the Synods. Here, for example, is part of the record of the Synod of Lothian on the subject:—"The Act made at Linlithquo in December last, 1606, being read in the audience of the whole brethrein convened, and sindrie of the brethrein who were present at the said meeting of Linlithquo being posed in conscience before God whether it was propouned, voted, and concluded in the said Convention that a Constant Moderator was appointed to be als weill in all the Provincial Synods as in all the particular Presbyteries of this realme, they answered that they never remembered that there was anie suche thing propouned there, much lesse that it was ever voted or concluded by the brethrein of the Kirk of Scotland conveenned at that meeting." It was much the same in the Synod of Fife. In short, the opinion already general was now more definitely expressed than ever, that the Act of Linlithgow on which the King and Council had been founding their recent procedure was not the genuine original Act, but an Act strengthened by subsequent tamperings, and especially by the interpolation of words extending the constant moderatorships from Presbyteries to Provincial Synods.—(3) *Abandonment of the proposed Ecclesiastical Congress at Holyroodhouse.* When the 27th of August came, there was no meeting at the appointed place. The failure of so many of the Synods to send the required Commissioners was one reason; but the death of Mr James Nicolson was another. It had been intended that he should take a principal part in the Congress, as he had done in the Linlithgow Convention. All in all, it was thought that, without him, the Congress would lead to nothing. Thus, as regards the great Church controversy, things were left *in statu quo*.

Falkland, 3rd September.

Sederunt—Lennox; Chancellor; Mar; Lowtheane; Tullibardin; President; Scone; Blantyre; Advocate; Murdocairny. Acta 1607-8.

Lord Balmerinoch, secretary, directed to England to acquaint his Majesty with the proceedings in the last Parliament.

"The quhilk day the Lordis of Secrite Counsale hes thocht meit and expedient that James, Lord of Balmerinoch, president, and principall secretarie of this kingdome, salbe directit and send to the Kingis most excellent Majestie to excuise the saidis Lordis that quhill now they haif differrit to present unto his Heynes a particulair relatioun of all that wes done at the last Sessioun of Parliament, in respect his Majestie wes at his progres, and that this tyme of his Heynes returne wes moist meit for that mater, and thairfoir that the said Lord Secretair acquent his Heynes fullie and particularlie with all that wes done at the said sessioun of Parliament in all the circumstanceis thairof, and ordanis that the said Lord Secretair sall have his ordinair allowance of thrie thowsand merkis payit to him for his jornay be his Majesteis Comptroller. Page 489.

Act to prevent the workmen in mines from withdrawing from the same without license.

"The Kingis Majestie and Lordis of his Heynes Secrite Counsale undirstanding the grite prejudice that may cum to his Majestie and his subjectis be the hinderance of the woirking of the mynes, mettalis, and minerallis of this realme gif the woirkmen imployit thairin sall, upoun hoip of grittair gayne, ease, or sick uther respectis, be sufferit to leive the saidis woirkis and entir in ony uther service at thair pleasour: thairfore his Majestie and Lordis of his Secrite Counsale ordanis that, gif ony mynner, pikman, windaisman, fyreman, or woirkman quhatsumevir, hyrit at ony of the mynis of this kingdome, depairt frome the same without licence and testimoniall of the maister of the mettallis or his deputtis, or of the awner of the workis, in write, or of the schiref of the schyre or his deputtis efter dew tryall of the lauchfull causis thairof, that it salbe leisome to these quhois workis they have left, be thameselffis or utheris in thair names, to tak thame quhairevir they may be apprehendit, and bring thame bak and entir thame to thair former service at the saidis mynes, and punische thame as thair offence sall mereit. And, gif any man that hes resset ony of the saidis workmen that hes withdrawin thameselffis frome the saidis mynis, being requirit to rander thame bak to thair maister, refuise or delay to do the same be the space of twenty foure houris, in that cais he sall pay the sowme of ane hundreth pundis to the said workmanis maister foirsaid for every tyme that, he being requirit to deliver to him his man, he sall refuise or delay to do the same. Attoure, our said Soverane Lord and the Lordis of his Secrite Counsale gevis full pouer and commissioun to the maister of his Heynes mettalis and his deputtis to tak and apprehend all maisterles vagaboundis and sturdie beggaris and put thame to woirk and hald thame to the same efter sic maner as they sall find convenient, and to use all uther sic previlegeis for furtherance of the saidis workis as by Act of Parliament is granted to awneris of coillis, salt-panes, or ony uther publict workis within this kingdome. And that letters of publicatioun pas heirupoun in forme as effeiris."

Acta 1607–8.

Charge to be given to Sir Robert Gordoun of Lochinvar to appear upon 24th instant to answer for the "barbarous slauchter" of Gordoun, his servant, in his own house, in August last.[1] Gordon of Lochinvar to answer for murder.

Page 490.

Order to charge Maxwellis, brothers of Johnne, Lord Maxwell, to answer on 24th instant touching their "intentioun to have murderit" James Johnnestoun of Westraw in his own lodging in Edinburgh, and for certain other "insolenceis" committed by them. Charge to Lord Maxwell's brothers to answer for intention to murder.

As in the late challenge to combat sent by James Cochrane to Robert Stewairt, burgess of Linlithqu, Johnne Hammiltoun of the Peill "wes a speciall counsallour," there is order to charge him to answer before the Council on 24th instant. John Hamilton of the Peil to answer for misconduct.

Complaint by George Striviling of Ballagane that Mungo Grahame, son of Johne Grahame in Achra, remains unrelaxed from a horning of 31st July last for not fulfilling the obligation made by him as principal, and by Harie Grahame, his brother, as cautioner for him, of date 20th January last.—Complainer appearing by Archibald Dowglas, macer, defender, for not appearing, is to be apprehended by the Captain of the Guard and his goods inventoried for the King's use. Decree for George Stirling against Mungo Grahame.

Page 491.

Understanding that "Neill M°Cleud and utheris, the rebellious thevis and lymmairis of the Lewis, hes of lait surprisit and tane the castell of Starnway in the Lewis, and utheris houssis and biggingis pertening to the gentilmen portionairis of the Lewis, and hes dimoleist and cassin doun some of the saidis houssis, and keipis utheris of thame as houssis of weir, victuallit and fortifeit with men and armoure, and in this meantyme commitis barbarous and detestable insolenceis and cruelteis upoun sa mony of the poore inhabitantis of that cuntrey as gaif thair obedience to his Majestie," the Lords give commission to Kenneuth M°Kanzie of Kintaill to convocate the lieges in arms, pass to the Lewis, and pursue the said Neill with fire and sword, using all kind of "weirlyke ingyne" for recovering the houses, and having power to "keip trystis" and intercommune with the inhabitants of the Iles. The commission is to last for six months. Commission to MacKenzie of Kintail for recovering the Castle of Stornoway and other places now held by the rebels of the Lewis.

Page 492.

Registration by Thomas Porteous of Glenkirk of a band of caution in 5000 merks by George Haldin of that Ilk and said Porteous for James Twedy of Drummelyeair, that he and his men shall not harm Sir David Lindsay of Edzell, Mr Alexander Lindsay, his son, David Lindsay of Balgay (*ante*, p. 411), or any of their friends not at the horn for the slaughter of the Lord of Spynie. Band, written by Lowrence Keir, servitor to James Prymrois, Clerk of Council, is subscribed at Brouchtoun and Edinburgh, 1st and 2nd September, before William Cokburne of Claverhill, James Cokburne, son of the said William, and James Twedy. Band for Tweedie of Drumelyear's keeping the peace.

Page 493.

Complaint by Margaret Hepburne, daughter of Henry Hepburne of West Fortoun, that Robert Hepburne, fiar of West Fortoun, and Patrik Decree against Robert Hepburne and Patrick Chirnside for debt.

[1] In Balfour's *Annales* (ii. 27) the cause is stated thus:—"For killing off his awn servant, of whom he was too jelous as being too familiar with his ladey; which by all was esteemed a most wicked calumny."

Chirnesyde of East Neisbitt, remain unrelaxed from hornings of 16th and 18th July last for not paying her £1000 as principal and £100 for expenses.—Complainer appearing by Archibald Dowglas, macer, defenders, for not appearing, are to be apprehended by the Captain of the Guard, and their goods inventoried for his Majesty's use. Acta 1607-8.

Decree against Lady Buccleuch for debt.

Complaint by dame Jeane Hammiltoun, Lady Ros, relict of Robert, Lord Ros of Halkett, and Robert Ros, their second son, assignees to the escheat of the said Lord, and by Sir Robert Melvill, younger of Bruntiland, spouse of the said Lady, and by William Monypenny, tutor dative to the said Robert, for their interest, that dame Margaret Douglas, Lady Buccleuch, remains unrelaxed from a horning of 9th May last for not paying pursuers £1000, conform to a decree against her and Frances, sometime Earl of Boithwell, her spouse, dated 17th February last.—Complainer appearing by Mr William Broun, decree as above against defender for not appearing. Page 494.

Decree against Andrew Hall and others for disobeying a decree of removal.

Complaint by Mr Johnne Home, son of the late Johnne Home of Carrelsyde, that Andro Hall in Newbigging, Adam Hall there, Raulf Hall there, William Hall there, Clement Hall there, Johnne Hall, called of the Peill, Johnne Hall in Bus, Gilbert Hall in the Kirkis, George Hall in Newbigging-mill, Marioun Hall in Nether Sykis, Johnne Hall in Midsykis, Andro Hall in Over Sykis, and William Ker in Bludylawis remain unrelaxed from hornings of 1st and 2nd January last for not flitting from certain lands specified in the letters of horning, to the effect the pursuer might have entered therein.—Complainer appearing personally, decree as above against defenders for not appearing. Page 495.

Decree against Patrick Boyd for debt.

Complaint by Archibald Geddes, elder, burgess of Edinburgh, that Patrik Boyd of Pitkindy remains unrelaxed from a horning of 10th March last for not paying him £90 as principal and £40 for expenses.—Complainer appearing by Archibald Douglas, macer, decree as above against defender for not appearing. Page 496.

Decree against William Ramsay for debt.

Complaint by Johnne Forrestair, burgess of Edinburgh, and Margaret Lawsoun, his spouse, that William Ramsay, son of Johne Ramsay of Lawis, remains unrelaxed from a horning of 3rd August last for not paying him £60 as principal and £10 for expenses.—Forrestair appearing personally, decree as above against defender for not appearing.

Decree against Learmonth of Dairsie and another for debt.

Complaint by Adame Lawty, writer, that James Leirmonth, fiar of Dairsie, as principal, and Mr Andro Patirsoun of Hiltarvett, as surety for him, remain unrelaxed from a horning of 16th January last for not paying him 1500 merks as principal and £150 for expenses.—Complainer appearing by Archibald Dowglas, macer, decree as above against defenders for not appearing. Page 497.

Decree against Earl Marischal for debt.

Complaint by Mr William Carnegy of Easter Pitphechy,—as executor dative (decerned *ad omissa* by the commissaries of Edinburgh) to the goods of the late Mr Robert Carnegy, minister at Massindew,—that George, Earl of Marschell, remains unrelaxed from a horning of 3rd January last for not paying him £180 as principal and £12 for expenses Page 498.

Acta 1607–8. and sentence silver, conform to a decree of the Lords of Council and Session dated 18th June 1606.—Complainer appearing by Archibald Douglas, decree as above against defender for not appearing.

Decree against George Carruthers for shooting with pistolets.

Complaint by Waltir Murray of Balridden that George Carutheris of Fourteen Acres and Cuthbert Murray of Huthcat remain unrelaxed from a horning of 27th May last for not appearing to answer touching their shooting pistolets at complainer.—Charge had been given to Carrutheris

Page 499. to answer; and now, complainer appearing by his procurator, there is decree as above against defender for not appearing.

Robert Stewart against James Cochran for attempt to shoot him.

Complaint by Sir Thomas Hammiltoun of Monkland, his Majesty's Advocate, and Robert Stewairt, bailie of Linlithqu, that, upon 11th August last, while Stewairt was "at his awne yaird heid" in Linlithqu, James Cochrane, son of the late James Cochrane of Blakcraig, came riding on horseback, "presentit ane bendit pistollet to the said Robert," and would

Page 500. have slain him "wer not the same misgaive."—Pursuer appearing personally, defender, for not appearing, is to be denounced rebel, and no suspension of the horning is to be granted till he find caution in £1000 for his appearance before the Council, and for the indemnity of the said Robert Stewairt.

Decree against Clerk of Coull for debt.

Complaint by Mistress Dorathie Stewart, daughter of the late Henry, Lord Methven, that James Clerk of Coull, cautioner for Andro Gray, younger of Dunnynald, remains unrelaxed from a horning of 22nd July last for not paying her 500 merks as principal and £50 for expenses.—Complainer appearing by David Smyth, defender, for not appearing, is to be apprehended by the Captain of the Guard and his goods inventoried for the King's use.

Page 501. Decree against William Dunbar for debt.

Complaint by Alexander Cuthbert, burgess of Invernes, that William Dumbar, brother of James Dumbar of Sanquhair, remains unrelaxed from a horning for not paying him (1) 105 merks as principal and £10 for expenses, (2) £100 as principal and £6 of expenses, (3) £557.—Complainer appearing by Archibald Dowglas, macer, decree as above against defender for not appearing.

Decree against David Lindsay, fiar of Vane, for debt.

Complaint by James Dempster of Easter Eglismaldie that David Lindsay, fiar of Vane, remains unrelaxed from a horning of 5th August last for not paying him 1000 merks, as part of a principal of 1300 merks, and £10 for each of 20 bolls of victual, two-thirds meal and one-third bear, and 10 bolls of meal as annualrent thereof for the year 1605, with £40 for expenses, as specified in a contract of 13th and 26th January 1600.—

Page 502. Complainer appearing by Johnne Dempster, decree as above against defender for not appearing.

Robert Mure and Alexander Dunlop of Glasgow against certain inhabitants of Dumbarton for violence.

Complaint by Robert Mure, son of Thomas Mure, burgess of Glasgow, and Alexander Dunlop, merchant there, as follows:—In August last, while they were returning from the burgh of Dunbertane to Glasgow, Archibald Cunynghame, bailie of Dunbertane, "convocat the haill inhabitantis" of said burgh, including William Cunynghame, messenger, William Cunynghame, his son, Mathew Patirsoun, Johnne M'Cans,

drummer, David Coline, Johnne Patirsoun, younger, Robert Cunynghame, servitor to the Laird of Kilmaheis, William Maisoun, James Cunynghame in Kilpatrik, Umphra, David, and Robert Cunynghame, in Southhink, and James Johnnestoun, servitor to William Lang, younger in Otter, with others, all armed with jacks, corslets, steelbonnets, picks, lances, halberts, swords, and other weapons, followed complainers and overtook them at the town of Kilpatrik, where they "maist fearslie" set upon them, and would have slain them "wer not be the providence of God and help of the cuntrey people they were fred."—Charge had been given to said Archibald Cunynghame, bailie, William Cunynghame, messenger, William Cunynghame, his son, Mathew Patirsoun, Johnne M°Cans, James Johnestoun, and James Cunynghame, to answer; and now, Dunlop appearing, the defenders, for not appearing, are to be denounced rebels. Acta 1607–8. Page 503.

Suspension of horning against John Currour.

Complaint by Johnne Currour in Mow that he is put to the horn by Waltir Hird, son of Martyne Hird in Hartsyde, for not answering touching his alleged wounding of Hird and reiving his sword and cloak. As complainer had never been lawfully charged to answer, as he found caution in 200 merks to appear before the Council on 3rd September, and as his escheat is disponed to Margaret Currour, the horning should be suspended.—Both parties appearing, the Lords do suspend the horning, and ordain complainer to find caution in 500 merks for the defender's indemnity, and to answer before the Justice for the mutilation. Page 504.

Clerk of Balbirny and Betoun of Balfour against Wood of Largo anent fishing on the Leven.

Complaint by James Clerk of Balbirny and Robert Betoun of Balfoure, as follows:—They have been charged, under pain of rebellion, at the instance of Andro Wood of Largo, to find caution, each in 1000 merks, that they, their tenants or servants, shall not take any salmon in the water of Levin with coble, net, spear, wand, creel, pock, or any other kind of engine. Now, complainers are in heritable possession of all the lands of Balfoure and Balbirny with the fishing of the water of Levin therein; and therefore no such charge should have been given against them till they had been summoned before the Lords of Council and Session and decree had been pronounced against them. As, nevertheless, they have found caution as required, the said horning should be suspended. —Complainers appearing personally, and defender by Henry M°Kiesoun, the Lords do suspend the said horning, and ordain the caution found by the pursuer to be "na forder extendit bot according to the expres wordis of the Act of Parliament maid anent the finding of cautioun for the not-distructioun and slaying of salmond fische." Page 505. Page 506.

James Wemyss and others against Wood of Largo anent fishing on the Leven.

Complaint by James Weymes of Erlliseat, Thomas Swyne in Tillibrek, George Wilsoun in Camron-mill, Andro Wilsoun, his brother, David Huntar there, Robert Hunter in Easter Camron-mill, Johnne Swyne at the Methil-mill, and Andro Andirsone in Dunyfrice, tenants and servants of Sir Johnne Weymes of that Ilk, that they have been charged at the instance of the same Wood of Largo, to find caution, each in 400 merks, to the same effect. As the said Sir Johnne is not only heritable bailie of the whole water of Levin, but also heritably infeft in the barony of Methill, com-

Acta 1607–8. prehending the lands of Erllisait, Tillibrek, Comron-mill, Easter Comron-mill and Methilnill, and is proprietor of the salmon fishing in the said water "foiranent" the said lands, and as complainers have liberty from him to take salmon within that part of the said water, and as, further, the said Andro Wood has right only to the salmon fishing at the mouth of the said water within the sea mark, commonly called the Laxnet, "the auchtane fische of the quhilk fischeing and ane net fische pertenis lykewyse to
Page 507. the said Sir Johnne heritablie," complainers ought not to be required to find the said caution. As, nevertheless, they have found caution as charged, the said horning should be suspended.—Complainers appearing by their procurator, and defender as above, decree as above in this case also.

Edinburgh, 11th Sept. Band for Sir David Lindsay of Edzell.

Registration by Mr James Donaldsoun, advocate, as procurator for the parties, of a band of caution by Johnne Levingstoun of Donypeace for Sir David Lindsay of Edzell, one of the senators of the college of justice, in 10,000 merks, that he, his kin and friends, shall not harm David, Earl of Crawfurd, Sir Hary Lindsay of Carrestoun, Sir Johnne Lindsay of Wod-
Page 508. wray, Sir Robert Grahame of Innermaith, James Twedy of Drummelyeair, or those of their friends and servants who are not at the horn for the slaughter of Sir Waltir Lindsay of Balgay (*ante*, p. 411). The band, written by Laurence Keir, servitor to James Prymrois, Clerk of Council, is subscribed at Edinburgh, 26th August, before Mr Johnne Dewquhat (Duguid), brother of Robert Dewquhat of Auchinhu, and William Lindsay, brother of Alexander Lindsay of Cultranich.

Edinburgh, 17th Sept. Band for Mr Alexander Lindsay.

Registration by Mr Alexander Sym, advocate, as procurator for the parties, of a band of caution by Alexander Lindsay of Brodland for Mr Alexander Lindsay, son of Sir David Lindsay of Edzell, in 2000 merks,
Page 509. to the effect foresaid (*ante*, p. 411). The band, written by Mr George Donaldsone, minister at Lochbe, is subscribed at Fettircairne, 10th September, before Johnne Lindsay, fiar of Brodland, Robert Mylne, notary, Johnne Mylne, notary, Patrik Wood in Fettircairne, William Ramsay, notary in Brechin, and P. Somervell.

Edinburgh, 18th Sept. Charge for arresting "some Irland men" expected to land on the south-west coast.

As "some noblemen of the cuntrey of Ireland, with a nowmer of thair speciall freindis and dependairis, hes of lait, without the previtie, knawlege, and consent of his Majestie, or of the Lord Deputie of Ireland, tane schipping in Lochfuillie for some treasonable deseygne and practize aganis his Majesties estate and cuntrey," the Lords ordain the sheriff of Wigtoun, the steward of Kirkcudbricht, the magistrates of the burgh of Kirkcudbricht, and those of all other towns on the west sea coast to be charged to "caus diligent attendance be gevin, be day and nycht, upoun thair coistis
Page 510. and harboreyis, to espy gif ony Ireland men sall cum willinglie in thair boundis or be contrarious windis salbe drevin upoun thair coistis," and, if any such shall happen to come, to arrest them and their ships and acquaint the Council therewith, as they shall answer at their highest peril.

Edinburgh, 24th Sept.

Sederunt—Lennox; Chancellor; Mairschall; Mar; Home; Kinghorne; Lowtheane; Bishop of Glasgow; Saltoun; Blantyre; Halyruidhouse; Master of Lowtheane; Advocate; Collector; Justice Clerk; Privy Seal; Clerk of Register; Quhittinghame; Sir James Hay; Sir George Douglas; Sir Johne Arnot. Acta 1607–8.

Duke of Lennox against his wife anent the education of their daughter.

Complaint by Ludovik, Duke of Lennox, as follows:—Although Lady Elizabeth Stewart, his daughter, is "now come to that aig that scho is capable of instructioun and learning," so that "cair aucht to be had of hir educatioun and upbringing in that estate and rank quhilk beseamith hir birth," nevertheless "it is of treuth that dame Jeane Campbell, moder to the said Lady Elizabeth, violentlie detenis and withhaldis fra the said Duke of Lennox his said dochter, hes no cair [? or] regaird of hir educatioun and upbringing, and on na wyse will deliver hir to the said Duke of Lennox, to be educat and brocht up be him and be his directioun as best sall beseame hir estate, without scho be compellit."—Charge had been given to the said mother to appear and bring with her the Lady Elizabeth, under pain of rebellion; and now, pursuer appearing personally but neither mother nor daughter, the order is to denounce dame Jeane Campbell rebel. Page 511.

Discharge of the continued meeting of the Synod of Fife appointed for 29th September, on account of the misbehaviour of the brethren of the Synod in their last meeting.

The King having nominated certain persons as his commissioners to the late Synod of Fyff held at Dysart in August last (*ante*, p. 430), "where his Majestie expectit a peciable, modest, and quiet behavioure in the bretherine thair assembled, and a reverent and dewtifull conformitie to certane actis, ordinanceis, and constitutionis quhilkis in preceiding meitingis and assembleis of the Kirk, with mature and guid advise and deliberatioun, wer concludit and aggreit upoun," and the brethren of the said Synod having "not onlie misregairdit and contempnit his Majesteis Commissionairis, in refuiseing and contradicting all that be thame in his Majesties name wer demandit of thame, bot with that they maist contemptuouslie refuisit to acknawlege the saidis actis and constitutionis of the preceding meitingis of the Kirk, and dissolvit with a continewatioun of thair Synode to the penult of September instant," thus uttering "thair passionat humouris," and abusing "the libertie and fredome of thair meitingis quhilk his Majestie sua gratiouslie fra tyme to tyme hes grantit to thame," the Lords discharge the meeting of the said Synod appointed for the 29th instant, and ordain "that the same sall desert without indictioun of a new day." Proclamation accordingly is to be made at the market crosses of Sanctandrois, Couper in Fyff, Dysert, Kirkaldy, and Dunfermling, with command to the ministers of the said Synod not to keep the said meeting, under pain of rebellion, and with charge also to the Sheriff of Fyff and to the magistrates of the burghs in Fyff not to suffer the meeting to be held in any part of their bounds.[1]

[1] The meeting here prohibited was the continued *ordinary* meeting of the Synod of Fife fixed by themselves at their last *ordinary* meeting on the 9th of June (see *ante*, p. 382, footnote). The *extraordinary* meeting which had been held on the 18th of August (*ante*, p. 433, footnote) was a distinct affair.

Commissions 1607-1616. Fol. 1 a.

As David Lindsay of Balcarres is "bound to depairt" furth of this realm for "exercising of himselff in lettiris," license, signed by the Chancellor and John Preston, is granted to him to go to France or any other place beyond the sea, there to remain for seven years after the date hereof, "that in the meantyme he may attene to leirning and haif the insicht of thair language and behaviour." The licence will be null if during his absence he does any thing contrary to his Majesty's authority or "trew religioun presentlie professit."

Edinburgh, 24th Sept. Licence to Lindsay of Balcarres to go abroad in pursuit of learning.

Acta 1607-8. Page 512.

"Forsamekle as, Maister Robert Howy being lauchfullie and ordourlie provydit to the provestrie of the New College of Sanct Androis, quhilk wes vacand by deprivatioun of Mr Andro Melvill, last provest thairof, who, for his misbehavioure, dois presentlie remane in prisone, and the said Mr Robert, be virtew of his provisioun and admissioun to the said place and office, haveing rycht to those chalmeris, houssis, and rowmes within the said College quhilkis formarlie wer possest and occupyit be the said Mr Andro, nevirtheles, the duris of the saidis chalmeris, houssis, and rowmes ar schote, closed, and locket, sua that the said Mr Robert can have no acces thairin, to the grite hinder of his study and discharge of his functioun within the said College: thairfore the Lordis of Secrite Counsale gevis and grantis full power and commissioun to ane reverend father in God, George, Archibischop of Sanctandrois, chanceller of the said Universitie, to caus mak oppin durris of the saidis chalmeris, houssis, and rowmes formerlie possest be the said Mr Andro, and to remove and voyd furth thairof suche guidis and stuff as did peculiarlie belong to him, and to caus put the sam guidis in suir keiping undir inventair, to be maid furthcumand to the said Mr Andro and utheris haveing entres, and thairefter to caus deliver the keyis of the saidis rowmes to the said Mr Robert, to the effect that he, as provest of the said College, may possess the same,—quhairanent thir presentis salbe unto the said Archibischop ane warrand."

Warrant for breaking open the doors of Mr Andrew Melville's chambers in the New College of St Andrews, in behalf of his successor in the provostry of said College.

Having heard the complaints by Robert Rowat and Mathew Turneble, bailies of Glasgow, on the one part, and William Nesbit, tailor there, on the other, the Lords remit the same for decision to Ludovik, Duke of Lennox, and Johnne, Archbishop of Glasgow, or, in case of the Duke's absence, to the Archbishop alone, and ordain both parties to fulfil whatever decree shall be pronounced.

Remit of an action between the Bailies of Glasgow and William Nisbet.

Having heard the excuse of Johnne, Lord Maxwell, "in writting and directing of cartallis" to William, Earl of Mortoun, during the late Parliament (*ante*, p. 424), the Lords ordain him to be committed to ward in the Castle of Edinburgh. He is, accordingly, delivered to the Captain of the Guard to be convoyed to the said ward.

Page 513.

Lord Maxwell committed to ward.

The King and Council, being "sufficientlie informit of the insolent cariage and misbehaviour of Mr Johnne Dykis, Mr Johnne Cowdoun, and Mr Skrymgeour, ministeris, at that last Synode of Fyff, keipit at Dysert, and how fer they did transcend the boundis of that modestie that become men of thair calling and functioun, and thairwithall did misregaird the Actis of the Generall Assemblie and speciallie of that

Charge to Mr John Dykes and two other ministers to keep ward meanwhile within their own parishes.

last Act keipit at Linlithqu" (*ante*, p. 440), ordain them to be confined within their own parishes till the said Lords, "upoun mair full certificatioun of thair misbehavioure," give further direction. Acta 1607–8

Order for the entry of Forbes of Corsindae in ward in the tolbooth of Edinburgh.

The Lords, on advertisement that Johnne Forbes, called of Corsindae, "the cheif and principall of the insolent Societie of the Boyis," and denounced "rebell and fugitive fra his Majesteis lawis" for slaughter and other enormities, has lately been apprehended by Alexander Irwing of Drum, had charged George, Earl Marschell, sheriff of Kincairdin,—"quho wes personalie present,"—to pass and receive Forbes from the said Laird of Drum, and to convoy him to the city of Brechin, and there to deliver him to the Guard, that he might be committed to ward in the tolbooth of Edinburgh. There is now, therefore, order to charge the Laird of Drum to deliver Forbes to the said Sheriff within six hours after being required, under pain of rebellion, and to command the bailies of Edinburgh to receive him from the Guard and commit him to ward within their tolbooth. [1] Page 514.

Decree against Nicol Crawford for debt.

Complaint by Mathew Crawfurd, cordiner, burgess of Edinburgh, that Nicoll Craufurd in Nether Libbertoun remains unrelaxed from a horning of 15th May last for not paying him 2000 merks as principal and £200 for expenses.—Complainer appearing by Archibald Dowglas, macer, defender, for not appearing, is to be apprehended by the Captain of the Guard and his goods inventoried for the King's use.

Decree against the Abbot of Melrose and Moncur of that Ilk for debt.

Complaint by George Spence, writer, that James, Commendator of Melros, remains unrelaxed from a horning of 27th August last for not paying him arrears of a yearly pension of 40 merks, and that Andro Moncur of that Ilk remains unrelaxed from a horning of 31st August last for not paying him certain sums for victual, conform to a decree before the Lords of Council of date 4th March last.—Complainer appearing by Archibald Dowglas, macer, decree as above against defenders for not appearing. Page 515.

Decree against Hew Carmichael for debt.

Complaint by Masie Abircrumby, relict of Robert Middletoun, tailor, burgess of Edinburgh, that Hew Carmichaell of Woustoun remains unrelaxed from a horning of 21st August 1605 for not paying the said Robert £105, 9s. as principal and £20 for expenses.—Complainer appearing by said macer, decree as above against defender for not appearing. Page 516.

Decree against James Kennedy for debt.

Complaint by Alexander M^cMath, merchant, burgess of Edinburgh, that James Kennedy of Crugiltoun remains unrelaxed from a horning of 25th June last for not paying him £838, 7s. 4d. as principal and £100 for expenses.—Complainer appearing by said macer, decree as above against defender. Page 517.

Decree against Mr John Clapen for debt.

Complaint by Elizabeth Coittis, relict of Johnne Grahame, merchant, burgess of Edinburgh, that Mr Johnne Clapen of Bellintagart, and Robert Logane, bailie of Restalrig, remain unrelaxed from hornings of 26th July and 16th August 1606 for not paying her £1000 as principal and 200

[1] As to "The Society of the Boys" mentioned in this minute see, by Index, a letter among *Royal and Other Letters.*

Acta 1607-8. Page 518. merks for expenses.—Complainer appearing by Symon Graham, decree as above against Clapen (alone cited) for not appearing.

Complaint by Johne Laud, merchant, burgess of Edinburgh, that William Leirmonth, apparent of Dairsie, and Thomas Monypenny of Kinkell, as principals, and Sir Andro Balfoure of Montquhany, Mr Johnne Clapen of Bellintagart, and Thomas Leirmonth, citizen of Sanctandrois, as sureties, remain unrelaxed from hornings of 26th and 27th December last for not paying him (1) 1000 merks as principal and £100 for expenses, and (2) 1000 merks as principal and £100 for expenses.—Complainer appearing by Archibald Douglas, macer, decree as above against defenders. Decree against Learmonth of Dairsie and and others for debt. Page 519.

Complaint by Alexander Stewart, son of Alexander Stewart of Gairleis, and said father as administrator to him, that Homer Maxwell of Carnesalloch, Thomas Kirkpatrik in Glendanholme, William Kirkpatrik, apparent of Kirkmichaell, Edward Wallace, Johne Wallace, Thomas Wallace, Gilbert Wallace, Reid Sandie Wallace in Tarriyeild, Johnne Wallace in Dinkow, Andro Ireland, Agnes Ireland, Robert and William Frissaillis, William Maxwell in Kilbayne, Johne Chairteris in Reidingwood, James Maxwell in Dintollo, Johne Larnie there, Homer Ireland, Gilbert Robsoun, Johnne Wilsoun in Hairthorne, Homer Lawrie, Johnne Robsoun at Brigend, Eleis Harper, Johnne Wilsoun, called Gaddame Jok, Johne Wilsoun in Nuik, James Wallace, James Lochorbie, James Aiken, Florence Bell, Adam Wallace, Nicoll Wilsoun, Johnne Wilsoun, Johne Adie, wobster, Robert Wilsoun, Johnne Wilsoun in Towneheid, Thomas Bell *alias* Laird, Homer Ireland, David the mason in Querrelwood, Nicoll Thomesoun there, Johnne Thomesoun of Know, Andro and Hector Thomesonis, William Robsoun in Tounheid, Johnne, Thomas, and Alexander Robsonis there, Johne Robsoun, Johnne Huntair, Johnne Wallace, Robert Nicolsoun, Roger Robsoun, Katherine Lochorbie, Robert Newland of that Ilk, and Alexander Fergesoun of the Ile, remain unrelaxed from a horning of 27th April last for not paying to the pursuers the sums specified in a decree before the commissary of Drumfreis upon 15th August last.—Complainers appearing by Archibald Dowglas, macer, decree as above against defenders for not appearing. Decree against Homer Maxwell and others for debt. Page 520.

Complaint by Thomas Frater in Camerlawis that Johne Cranstoun in Kirkmichaell remains unrelaxed from a horning of 22nd July last for not answering touching the wounding of the pursuer with a drawn sword.—Complainer appearing personally, decree as above against defender for not appearing. Decree against John Cranston for assault. Page 521.

Complaint by Johnne M°Adam, burgess of Edinburgh, that Robert Murray of Orcheard remains unrelaxed from a horning for not paying him 50 merks as principal with £10 for expenses, £100 as principal with £10 for expenses, and £100 as principal with £20 for expenses. Complainer appearing by Archibald Douglas, macer, decree as above against defender for not appearing. Decree against Robert Murray for debt. Page 522.

Complaint by William Wardlaw of Quholpsyde that Matthew

Decree against Matthew Finlayson and son for non-fulfilment of a contract.

Finlasoun of Killeith, and Mr Johnne Finlasoun, his son, remain unrelaxed from a horning of 20th December 1606 for not fulfilling a contract dated 29th June 1605, and not paying him 200 merks for expenses. Complainer appearing personally, decree as above against defenders. Acta 1607–8. Page 523.

To denounce John Rowat, bailie of Glasgow, for assault on a King's messenger.

Complaint by Thomas Lindsay, merchant, burgess of Edinburgh, and William Stobo, messenger, burgess of Glasgow, that in August last, while the said messenger was executing letters of horning and inhibition at the instance of said Thomas against Johnne Rowat, bailie of Glasgow, at the market cross of the said city, Rowat "addressit himself to the fute of the croce of the said citie with ane drawin daigger undir his cloik, and remanit thairat awaiting upoun the said William quhill he had usit the saidis letters, and, how sone he persavit the said William Stobo to come doun af the said croce," set upon him, gave him "ane deidlie wound" with the dagger "undir his left paip," and "left him for deid."—Pursuers appearing by Alexander Stobo, messenger, defender, for not appearing, is to be denounced rebel.

Decree against William Davidson and others for not paying their dues to their minister.

Complaint by Mr Johnne Abirnethy, minister at the kirk of Jedburgh, that William Davidsoun of Samuistoun, Nicoll Rutherfurd of Hundalie, and George Moscrop in Jedburgh remain unrelaxed from a horning of 1st September last for not paying him certain bear and meal due by them to him for the years 1605 and 1606 for his stipend furth of the third of Jedburgh.—Complainer appearing by Archibald Douglas, macer, defenders, for not appearing, are to be apprehended by the Captain of the Guard and their goods inventoried for the King's use. Page 524.

To denounce Scott of Abbotshall for bearing fire-arms.

Complaint by George, Earl of Dumbar, Lord Home of Beruik, treasurer, Sir Johnne Arnot, his depute, and Sir Thomas Hammiltoun of Bynnie, advocate, for his Majesty's interest, that, contrary to the Acts of Parliament, Sir James Scot of Abbotishall continually and publicly bears hagbuts and pistolets.—The Advocate and Treasurer-depute appearing, defender, for not appearing, is to be denounced rebel. Page 525.

Decree against Mr Adam Bellenden, parson of Falkirk, for debt.

Complaint by James Skene, servitor to Sir Johnne Skene of Curryhill, clerk of register, that Mr Adam Bellindane, parson of Falkirk, remains unrelaxed from a horning of 11th June last for not, as cautioner for James Abircrumby, and Alexander Abircrumby, his son, paying complainer £923 as principal and £100 for expenses.—Complainer appearing personally, defender, not appearing, is to be apprehended by the Captain of the Guard and his goods inventoried for the King's use. Page 526.

Decree against Sir George Douglas and son for debt.

Complaint by William Nymmo, tailor, burgess of Edinburgh, that Sir George Dowglas of Reidhouse, and George Douglas, his son and apparent heir, remain unrelaxed from a horning of 18th July last for not paying him £530 as principal and £40 for expenses.—Complainer appearing by his procurator, decree as above against defenders. Page 527.

John Kinnear of Aberdeen against Johnstone of Kaysmill for assault and bearing fire-arms.

Complaint by Sir Thomas Hammiltoun of Monkland, and Johnne Kynneir, burgess of Abirdene, and chamberlain to Patrik, Earl of Kinghorne, as follows:—While Kynneir was in the booth of Stephane Gordoun, gunmaker in the said burgh, Robert Johnnestoun of Kayismylne came

Acta 1607-8. armed with sword, secret, gauntlet, plaitsleeve, and with pistolets, and with "ane drawin sword" gave the said complainer "a grite straik alongis the ribbis." Farther, when complainer had come furth of the said booth, Johnnestoun of new invaded him and would have slain him if he had not been rescued by some people and "caryit bak agane unto the said buith," where he remained till his assailant had been "put of the hie gait" by the magistrates of the said burgh. Again, while complainer was going
Page 528. from the said burgh to his own house, Johnnestoun "maist feirsly set upoun him," and wounded him in the right hand.—Kynneir appearing personally, defender, not appearing, is to be denounced rebel.

Burghs of Ayr and Irvine against the town of Saltcoats anent caution of lawburrows.

Complaint by the magistrates and council of Air and Irwing, as follows: —Josephe Cunynghame, Johnne Braidschaw, Johnne Blak, James Gilleis, Thomas Dunlop, Robert Montgomerie, Hew, Johnne and Johnne Dunlopis, David Galstoun, Robert Blak, Thomas Harbert, Hew Howie, Johnne Boyd, and Allaster Galsoun, all in Saltcoittis, alleging that the complainers and the other inhabitants of the said burghs trouble and oppress them, had obtained letters charging the complainers, as representing the said burghs, to find caution in 2000 merks each, under pain of rebellion, for their indemnity and that of all the other indwellers of the town of
Page 529. Saltcoittis. Now, though the names of all the defenders should have been inserted in the said letters, "to the effect the saidis complenairis mycht knaw the personis seikaris of this caution of thame," and though every one of the defenders ought to have given his oath that he dreads harm of the complainers, neither formality had been complied with. Besides, it is hard for the complainers to take burden on them for the whole inhabitants of the said burghs, because they are officers only from Michaelmas to Michaelmas, and can be responsible only during their time of office; and, if the inhabitants of Saltcoittis have any just cause of complaint against any of their neighbours of the said burghs, they ought to have specified the names of the offenders, and "sould not confusitlie have usit sic ane extraordinair and unlauchfull chairge." As the complainers have, nevertheless, found caution as charged, the said letters should be
Page 530. suspended.—Pursuers appearing by Cuthbert Millair, but none of the defenders being present, the Lords do suspend the said letters, declare that this caution found by the pursuers shall have effect against them only while they hold office and shall be extended to their successors in office, and also provide that nothing shall be held in breach of the said caution unless it be done in the common cause of the said burghs and by direction of the magistrates and council of the same.

David Mathie warded for assault.

Complaint by David Andro, skinner, burgess of Glasgow, that, upon 25th July last, David Mathie, cordiner there, with a drawn rapier, "strak
Page 531. him in the womb,"—whereby he was left "lyand for deid."—Both parties appearing, the Lords find the complaint proven, decern Mathie to be committed to ward in the tolbooth of Edinburgh, and deliver him to the Captain of the Guard to be convoyed to his ward.

Robert and James Maxwellis, brothers of Johnne, Lord Maxwell, failing

To denounce Robert and James Maxwell.

to appear this day as charged, to answer for intent to murder James Johnnestoun of Westraw in his own lodging in Edinburgh (*ante*, p. 435), are to be denounced rebels. Acta 1607–8.

James Chisholm, bailie of Dysart, against Sir James Scott of Abbotshall and others for assault.

Complaint by James Christesoun, baillie of Dysert, as follows:—In July last Sir James Scot of Abbotishall, with four or five of his servants, waylaid complainer while he was repairing to Edinburgh, "with ane grite battoun gaif him ane grite straik upoun the hand," and would have slain him if he had not been rescued by the "providence of God and help of some good people than present." Again, on instant, after complainer and defender had supped together by invitation with James, Commendator of Melros, nothing having happened between them "saulf pleasant conferrenceis," Sir James, accompanied by David Melvill of Touch, Patrik Weymes, his brother-in-law, and Gawin Weymes, burgess of Dysert, armed with swords, daggers, and gauntlets, awaited complainer's furth-coming from the Commendator's lodging at the outer gate, and, about ten hours at even, when he came out with dame Elizabeth Forbes, Lady Sinclair, "maist feirslie set upoun him" and would have slain him if he had not "fled to ane house and eschaiped."—Charge had been given to the said defenders to answer; and now, complainer appearing personally, and David Melvill and Gawin Weymes being also present, Scot and Patrik Weymes, for failing to appear, are to be denounced rebels. Page 532. Page 533.

Andrew Scott, chirurgeon in Edinburgh, against John Stanhope for assault.

Complaint by Andro Scot, chirurgeon, burgess of Edinburgh, that on 15th instant, in violation of the Acts against assault in Edinburgh or within a mile of the place of meeting of the Privy Council, Johnne Stenhop, portioner of Dudingstoun, "maist feirslie set upoun the said complenair with drawin sword and daggir," and would have slain him but for the providence of God, his own better defence, and help of some persons present.—Both parties appearing, the Lords find the complaint proven, and ordain defender to be committed to ward in the tolbooth of Edinburgh.

Robert Simpson against the bailies of Jedburgh for wrongous imprisonment.

Complaint by Robert Simpsoun, son of William Simpsoun, burgess of Jedburgh, that the bailies of the said burgh have detained him in ward in their tolbooth "this lang tyme bigane," albeit he has been guilty of no crime and the cause for which he was imprisoned has been suspended by the Lords of Session.—Charge had been given to George Moscrop, one of the bailies of Jedburgh, to answer; and now, complainer appearing by William Alie, and the defenders by Mr Johnne Rutherfurd, the Lords decern the defender to put him to liberty. Page 534.

Prosecution of Henry Williamson and others for destroying the mills built for the use of his Majesty's gold works.

Complaint by Sir Thomas Hamiltoun of Bynnie, his Majesty's Advocate, and master of the mines, metals, and minerals within this kingdom, as follows:—Upon 17th and 18th August last, Henry Williamsoun, called of the Hoill, in Schortcleuch, Mungo Williamsoun there, Thomas Williamsoun there, Johnne Williamsoun in Shortcleuch, James Taillifeir there, Thomas Williamsoun, called the Borderair, Robert Williamsoun, called Rob in the Middle Onset, Johnne Williamsoun, his brother, Robert Williamsoun, son of the said Henry, Johne Gibsoun in Crawfurdmure, Johnne

Acta 1607-8. and Jedeon Gibsonis, his sons, with others, came to his Majesty's gold works upon Bailgilheid and Langcleuch, and barbarously destroyed the
Page 535. mills built by Sir Bewis Bilmure for the use of the said works, reft the "haill trowis, stamparis, burdeis, wheillis, extreis, and uther furnitoure of the same, and the tymmer, walplattis, cappis, rowing treis, cablis, cable towis, harll barrowis, pickis, schuillis, standaris, windaissis, and uther provisioun, belanging to sextene shafteis of the saidis workis.[1]—Charge had been given to the defenders to answer; and now, pursuer appearing personally, and said Henry, Mungo, Johnne in Schortcleuch, and Johnne in Hoill, being also present, the Lords find the complaint proven against all the defenders except said James Taillifeir, and therefore decern the defenders present to be committed to ward in the tolbooth of Edinburgh, and the defaulters to be denounced rebels.

Page 566. Complaint by Waltir Duncane, miller at the West Mill of Stramiglo, and Johnne Rannald, smith there, that William Allerdes, portioner of Kincragy, came at night to the said Waltir's house, violently entered therein, sought him for his slaughter, and, the said Waltir's spouse "preising to stay the said Williames furrie," shamefully assaulted and
Page 567. wounded her; also that Petir Bunthorne came to Rannald's booth and there hurt him in divers parts of his body.—Pursuer appearing by Robert Pitcairne, Allerdes (the only defender cited) is to be denounced rebel for non-appearance. Walter Duncan and John Ranald against William Allardice for assault.

Page 536. *Sederunt*—Lennox; Chancellor; Angus; Marschaill; Murray; Wyntoun; Lowtheane; Elphingstoun; Blantyre; Halyruidhouse; Master of Lowtheane; Master of Elphingstoun; Bishop of Edinburgh, 15th October.[2]

[1] "This same mounthe [August 1607] Sir Bevysse Bulmer, that had beine employed by his Majesty for the silver minnes of Hillderstanehill, not being able to manteine the charge of thesse workes, in respecte of ther small returne, did by his bond and dispositioune quyte the saids workes to Sir Thomas Hamiltone, his Majesties Advocat, and their first auner" (*Balfour's Annales*, ii. 22). See *ante*, p. 358.

[2] Again, it will be observed, there is a considerable gap in the Register. The last entries were under date 24th September; and now we are at the 15th of October. Such breaks in the sittings of the Council about this time may have been owing to the continuance of the Plague in Edinburgh.—In the interval there had been an official meeting at Falkland of some of the Bishops and other chiefs of the governing clergy; where Archbishop Gledstanes produced a warrant appointing him King's Commissioner for Church affairs in place of the Laird of Lauriston, and where "Mr Johne Mackbirnie, being summouned for preaching against Bishops and Constant Moderators, compeered and promised to meddle no more with these controverted points in the pulpit before the people." (Calderwood vi. 681–682). — It seems to have been in the same interval that private overtures were made in the King's name to James Melville at Newcastle, to the effect that, if he would waive his troublesome opinions and apply himself to the King's service, "he sould not onelie be accepted in favour, but also advanced above anie minister in Scotland" (Calderwood vi. 684–685). Secretary Balmerino, stopping at Newcastle in his recent journey to London (*ante*, p. 434), had already talked with Melville and conveyed to him some such message. The immediate temptation held out to him was the Bishopric of Dunkeld, now at the disposal of the King by the recent death of Mr James Nicolson. Nothing could move Melville; and the Bishopric of Dunkeld was now promised to that Mr Alexander Lindsay, minister of Saint-Madoes, of whose qualification for it his recent actions had left no doubt. See *ante*, pp. 347–351, and pp. 385–389.

Brechin; Advocate; Quhittinghame; Privy Seal; Collector; Clerk of Register; Kilsyth; Mr Petir Rollok; Sir James Hay; Sir Johne Arnot; Mr Lues Craig. Acta 1607–8.

Earl of Angus takes the Oath of Allegiance.

Williame, Earl of Angus, appearing, gives his oath of allegiance according to the form set down in the Act of 2nd June last (*ante*, p. 375).

Charge for obeying two magistrates of Brechin lately chosen.

Understanding that, though Johnne Leeche and Robert Rollok, citizens of Brechin, have been lawfully elected to be bailies of the said city for the year to come, "according to the ancient and lovable custome of the said city, and to the libertie, previlege, and fredome of electioun proper to the bischop and citie of Brechin," some "restles and consaitlie personis within the said citie, mislyking the lauchfull forme of governament thairof, and desyrous of novalties, factionis, and unquietnes, refuissis thair obedyence to the saidis magistratis, intertenyis a factioun within the toun, and some of thame who wer magistratis the yeir preceiding unlauchfullie continewis in thair magistracie this present yeir, quhairfra at the lait tyme of electioun they wer ordourlie removed," the Lords ordain charge to be given to the whole of the inhabitants of the said city, by open proclamation at the market cross thereof, to obey the said bailies for the year to come, and forbid any other person to usurp the office.

Charge to the Lord of Lindores and the magistrates of Perth to answer for misrule and disorder.

Understanding that there is a "grite trouble laitlie fallin out" between the magistrates of Perth and the friends of the Lord of Lundoris, causing "some slauchter and bludsched" on either side, the Lords ordain charge to be given to the present magistrates of Perth and those who were bailies thereof the preceding year, on the one part, and to Patrik, Lord of Lundoris, and James Leslie, &c., his servants, on the other part, to answer before the said Lords on 5th November next for the "misreull and insolence committed by them," and in the mean time to find caution, either party in 10,000 merks, to keep the peace. Page 537.

Charge to the Captain of Crawford.

Charge to be given to Johnne Carmichaell of Medowflat, captain of Crawfurd, to answer on next for the reset during last year of sundry fugitives and outlaws, including Waltir Carmichaell, his brother.

Commission to the magistrates of Montrose.

Commission to the provost and bailies of Monrois to apprehend Carnegy, burgess there, and enter him before the Council on 5th November next, that order may be taken with him anent the action against him by Magnus Jaspersoun, stranger, dwelling in Evere in Denmark.

Charge to Sir John Ogilvy of Craig.

As David, now Earl of Crawford, and his accomplices, at the horn for the slaughter of Sir Walter Lindsay, and also Lindsay, apparent of Edzell, and his accomplices, at the horn for the slaughter of the Lord of Spynie, are resetted by Sir Johnne Ogilvy of Craig, there is order to charge the said Sir Johnne, under pain of rebellion, to find caution in 3000 merks, within six days after being charged, not to reset the said rebels, or else to enter in ward be-north the North Water. Page 538.

Because of the "continewance of some little infectioun of pestilence"

Acta 1607–8. in Edinburgh and other places, the "doun-sitting of the Sessioun" is prorogated to 17th November next, and proclamation accordingly is ordered at the market cross of Edinburgh. Court of Session prorogued.

Complaint by Mr Johnne Layng, keeper of the signet, that Johnne Listoun in Nether Gogar, as principal, and Thomas Listoun in Aulderstoun, his father, as surety, remain unrelaxed from a horning for not paying him £280, and also £10 for each of 16 bolls wheat and £8 for each boll of two chalders bear and 40 bolls meal, with 50 merks for expenses.—Complainer appearing by Archibald Douglas, macer, defenders, not appearing, are to be apprehended by the Captain of the Guard and their goods inventoried for the King's use. Decree against John and Thomas Liston for debt.

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Complaint by Andro, Lord Stewart of Uchiltrie, that George Cunisoun, apparent of Adradour, and Finla Fergusoun of Baledmount, remain unrelaxed from a horning of 20th June last for not paying him certain sums of money specified in the letters of horning.—Complainer appearing by Archibald Douglas, decree as above against defenders. Decree against George Cunison and Finlay Ferguson for debt.

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Complaint by Sir Thomas Hammiltoun, for his Majesty's interest, and by Alexander Irwing of Drum and Mr Robert Irwing of Moncoffer, as follows:—Upon 4th September last, Johnne Mortymer, called Johnne the Baron, Patrik Forbes, son of Johnne Forbes in Mylnebowy, Duncane Forbes, stabler in Abirdene, Johnne Bowis, servitor to Johnne Forbes, called of Corsindae, Andro Forbes, glasswright in Abirdene, with others, to the number of threescore persons, all armed with swords, halberts, secrets, plaitsleeves, and with hagbuts and pistolets, prohibited to be worn, came to the Black Friar Croft, beside the kirk style of Abirdene, and there "maist feirslie set upoun" the said Mr Robert, while he was executing his Majesty's commission directed to the Laird of Drum for apprehending certain murderers and malefactors, and would have slain him but for Providence and his own better defence. Immediately thereafter, the said persons went to the grammar school of Abirdene, where they expected to find, and intended to kill, Alexander and Robert Irwingis, sons of the Laird of Drum, boys of the ages of 11 and 13 years respectively, "and with drawin swordis, durkis, and daigaris barbarouslie stoggit the daskis of the said scoole, presentit bendit pistollettis to the maister thairof, urgeing him to schaw unto thame quhair the saidis tua bairnes wer, and with mony horrible and blasphemous aithis schorit and avowed to have the said master his lyff in cais he schew thame not quhair the saidis bairnes wer: lyke as the said maister of the scoole eschaipit frome thame verie hardlie with his lyff." Again, upon 19th September last, while the said Mr Robert was in the house of Mr Richard Irwing in Abirdene, Thomas Fraser, Robert Johnnestoun, *alias* Ding the Devil, Johnne Mortymer, called the Baron, and Johnne Johnnestoun, son of the late Patrik Johnnestoun in Balhelveis, with others, surrounded the said house, shouting to him to come furth, or they would surprise the house and have his life; which they would have done if they had not been stayed by "concurse and help of the inhabitantis of the said burgh."— Irvine of Drum and Irvine of Moncoffer against Patrick Forbes and others for assault and violence.

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Charge had been given to the said Andro Forbes, Duncane Forbes, Johnne Mortymer, Patrik Forbes, and Johnne Bowis, to answer; and now, complainers appearing personally, the said defenders, for not appearing, are to be put to the horn: no suspension of the horning to be granted till they enter in ward in the tolbooth of Edinburgh. Acta 1607–8 Page 542.

Decree against Toscheoch of Monivaird and others for debt.

Complaint by Antoun Maxtoun, burgess of Perth, that Edward Toscheoch of Monywaird, as principal, and Johnne Moncreif in Easter M^cKune, James Glook there, James Cuthbert there, and Johnne Blak there, as sureties, remain unrelaxed from a horning of 25th August 1604 for not paying him (1) 217 merks, 6s. 8d., with four bolls two firlots oatmeal, or else £10 for each boll, as principal, and £40 for expenses, and (2) 300 merks and 6 bolls oatmeal, or else £10 per boll, as principal, with £40 for expenses.—Complainer appearing by Archibald Douglas, macer, defenders, not appearing, are to be apprehended by the Captain of the Guard and their goods inventoried for the King's use. Page 543.

Decree against John Stratton for debt.

Complaint by Johnne Logane in Edinburgh that Johnne Stratoun at Stratoun-mill remains unrelaxed from a horning of 22nd September last for not paying him his pension of one chalder wheat and one chalder bear due for the year 1606.—Complainer appearing by the said macer, decree as above against defender. Page 544.

Decree against Sir George Home of Wedderburn for debt.

Complaint by Henry Wardlaw of Balmull, sometime receiver of his Majesty's rents, that Sir George Home of Woddirburne remains unrelaxed from a horning of 6th January 1602 for not paying him 4000 merks.—Complainer appearing by Waltir, Lord of Blantyre, decree as above.

Decree against a number of persons at the horn for not paying their taxes.

Complaint by Sir James Hay of Kingask, collector of the taxation granted to his Majesty in July 1606, against the following for remaining unrelaxed from hornings for not paying their parts of the first term's payment of the said taxation: viz. Alexander, Earl of Home, sheriff of Beruik, and George Affleck (Auchinlek) of Cumlege, his depute, £54, 3s. 4d., for the said shire; the Earl of Home, £242, 15s. 1d., for the priory of Coldinghame, £189, 2s. 2d., for the abbey of Jedburgh, £438, 12s. for the earldom of Marche, £13, 15s. 7d., for the priory of Cannabie, £13, 15s. 7d., for the parsonage of Chirnesyde, and £13, 15s. 7d., for the vicarage of Cassiltoun; David Dundas of Dudingstoun, James Hammiltoun at the west port of Linlithqu, and James Hammiltoun of Wilkookisholm, sheriff-deputes of Linlithqu, £79, 6s. 8d., for the said shire; Adam, Commendator of Cambuskynneth, £574, 1s. 1d., for the said abbey; Mr Alexander Sym, sheriff-depute of Edinburgh principal, £621 for the said shire; [Margaret] Smyth, relict of Mr Robert Pont, £18, 6s. 10d., for the vicarage of St Cuthbert's kirk; Mr George Ramsay, parson of Leswaid, £48, 17s. 9d., for the said parsonage; Mr James Daes, £18, 6s. 10d., for the vicarage of Ersiltoun; Thomas Turneble of Mynto and Thomas Turneble of Hassindanebank, £13, 15s. 7d., for the parsonage of Mynto; Alexander Horsburgh of that Ilk, sheriff-depute of Peblis, £89, 16s. 8d., for the said shire; and Mr Johnne Weymes, parson of Kilbocho, £17, 15s. 6d., for the said parsonage.—Charge had been given to the said Page 545.

Acta 1607-8. Page 546. defenders, and also to James Dowglas of Cavers, and Douglas, elder of Bonejedburgh, to answer; and now, pursuer appearing by Archibald Prymrois, but none of the defenders appearing, there is order to the Captain of the Guard to apprehend them and inventory their goods.

Decree against a number of other "hornaris" for non-payment of their taxes.

Action by Ludovick, Duke of Lennox, and Johnne, Earl of Mar, collectors of the taxation of 100,000 merks granted to his Majesty in February 1601, and by Mark, Earl of Lowthiane, collector of the taxation of 200,000 merks granted to his Majesty in December 1597, against the persons underwritten for remaining unrelaxed from hornings for not paying their shares of the said taxations:—viz. the said sheriff-deputes of Page 547. Linlithgow (*ante*, p. 450), £119, 13s. 4d., in the first taxation, for the said shire; Mr Robert Cornwell, minister at Linlithqu, £21, 10s. 1d., for the vicarage of Linlithqu; Robert Diksoun of Pittillisheuch, £8 in the second taxation for his said lands; Patrik Hepburne of Kingstoun, £20 in the second taxation, and £10 in the first taxation, for his said lands; Mr Thomas Ogilvy, provost of Dunglas, £18, 6s. 10., in the first taxation, for said provostry, and £13, 15s. 7d., in the same taxation, for the parsonage of Upsatlintoun; Mr Johnne Weymes, £35, 11s. 1d., in the second taxation for the parsonage of Kilbocho, and £17, 15s. 6d., in the first taxation; Williame Middlemest of Lillisleif-chapel, £25 12s. in the second taxation for his lands of Bewlie and others in Lillisleif, and £2, 16s. in the first taxation; David Turneble of Horneyhill, £6, 13s. 4d., in the second taxation, for his said lands, and £3s, 6s. 8d., in the first taxation; Mr James Daes, vicar of Ersiltoun, £18, 6s. 10d., in the first taxation, for the said vicarage; Sir Andro Ker of Phairnyhirst, in the first taxation, £20 for the teinds of Page 548. the kirk of Innerlethane, and £30 for the teinds of the lands of Nantherne in the same taxation.—Pursuers appearing by Archibald Prymrois, writer, there is decree as in last Act against defenders for not appearing.

Royal Proclamation proroguing the General Assembly appointed to be held in Dundee in November next to April next year.]

"Forsamekle as the Generall Assembly being appointit to be kepte in the moneth of November nixt to come at oure burgh of Dundie, and upoun a speciall regaird to the weill of that Church, for the preventing of all disordoure and confusioun in that meiting, which aught to be a precedent and should gif example to all otheris of good order, discretioun, and dewtifull caryage, we haveing ordeyned a meiting of some Commissionairis frome every Synode in September last [? August: see *ante*, p. 371], to the effect all thingis mycht be sa dewlie prepared as the adversaryes to the religioun should not tak ony advantage of the contentioun amangis the bretherine at their meiting. But so pervers is the dispositioun of some, who do accompt nothing for oraclis but the inventioun of thair awne brayne, that, disdaneing the course concludit by us, and by all apparance directlie opposing thameselffis to the peace of that Churche by absenting thameselffis or withstanding the sending of Commissionaris to the afoirsaid meiting which wes appoynted in September last as said is, [they] do clearly thairby demonstrat their unquiet and unrulie inclinatioun, as too manifestlie appeiris in this thair insolent and wilfull misregaird of those Actis of the Assemblie at Linlithqu maid with

The Meeting of the General Assembly prorogued.

so uniforme ane applause. Bot, whereas this wes moir nor sufficient caus to have stayed the meiting of the said Assembly,—which, without this preceiding preparatioun, must neidis be tumultuous and disorderlie,—so, in lyke maner, Godis present visitatioun of the said burgh of Dundie by the plague enforceis the prorogatioun of the said Assemblie to some other tyme. As alsua, where, in the last Assemblie kepte in oure presence before oure comeing out of that kingdome, speciall commissioun wes gevin for visitatioun [*ante*, vol. vi. pp. 379–80, xxxv], the reports quhairof is ane of the speciall thingis to be entreated on at that Assembly, yit so great haith bene the neglect of thame who wer then appointed to go every on in circute within the boundis of their visitatioun designed that hetherto the same hath bene pretermitted. To the effect, therfore, that in this poynt the conveyning of the said Assemblie should not be ineffectuall, we have by oure severall letters willed those Commissioneris then appoynted every one to haif cair in reporting against the tyme of the Assembly heirundermentioned thair severall reportis of thair travellis and tryallis in thair visitatioun, haveing also nominated otheris in place of suche of the said Commissioneris as since that tyme ar aytheir deceised, exiled, or confyned. It is thairfore oure will and pleasour that publicatioun and intimatioun be maid at the mercat croces of Edinburgh, Perth, Dundie, and all utheris placeis neidfull that the Generall Assemblie is continewed and prorogated to the last Twysday of Aprile nixt to cum,—at which tyme it is to be kepte within our said burgh of Dundie; and betuix and then it may be hoiped that it sall please God of his mercy to remove the said plague of pestilence: and in the mean space all clairgy men whatsoevir, of whatsoevir rank or degrie, ar dischairged of all convening in ony forme of pretendit Assembly in the said burgh of Dundy, or ony pairt else, the said day of November nixt, or ony day thairefter before the said last Twyisday of Aprile, undir the pane of incurring oure heich displeasour, and the contempt of the same to be punished in the most severe maner and heichest degrie. Gevin at oure Court of Royston the auchtene of October 1607."[1]

Acta 1607 Page 549.

[1] Notwithstanding the reasons assigned for this further prorogation of the long-promised General Assembly of the Kirk, the fact was received as an additional and conclusive proof of the King's resolution to subvert Scottish Presbytery altogether. It has to be remembered that, though the meeting of a General Assembly of representatives of the whole Church every year, or at short intervals, had come to be regarded as the cardinal institution of the Scottish Presbyterian system, and though people counted sixty-six General Assemblies in succession since the Reformation, none had been allowed since that held at Holyroodhouse in November 1602, five months before the King's departure for England. By the appointment of that Assembly, the next was to be at Aberdeen in July 1604; but it had been put off by prorogation after prorogation in the King's name. See *ante*, p. 14, footnote, p. 62, and footnote, pp. 82–83, and footnote, pp. 101–103, pp. 123–125, pp. 126–127 and footnote, pp. 218–219, pp. 282–284, footnote, and pp. 370–372. The circumstances of the last prorogation had been such as to beget a hope that an Assembly might really be held in November 1607; but now, by this new prorogation to April 1608, it became dubious whether Scotland was ever to see a General Assembly again. It seemed as if the King had resolved to dispense in future with that time-honoured agency in the Kirk, and to govern the Kirk by his own authority, through Proclamations, Privy Council orders, and the Bishops and other Court representa-

Acta 1607–8. Page 550.

Charge to certain ministers in the Merse and Teviotdale to answer for their conduct in a late convention, in the name of a Synod, in which the Constant Moderators of certain presbyteries had been discharged of their offices.

All the presbyteries of the kingdom, "and in speciall the prisbitereis within the Mers and Teviotdaill," having, in conformity with the Act of the General Assembly held at Linlithqu, "ressavit and admittit the personis nominat for thair moderatioun," and the said Constant Moderators having continued in the execution of their offices till 13th instant, but a number of the ministry of the Mers and Teviotdaill, "of distemperit humouris and unquiet spiritis," having on that day "convenit at the toun of Duns and maid the fassioun of a Synodoill Assemblie, quhairin moist presumptuouslie, contemptuouslie, and unlauchfullie they have enacted that the Moderatouris of the prisbitereis salbe dischairged, and has ordanit thair prisbitereis to mak chose of new Moderatouris, lyke as the Moderatouris who wer formerlie chosin conform to the said Act of Linlithqu, gaif thair consent to the said unlauchfull dischairge," and the said ministers having thus "unsurpit upoun thame the power and authoritie to annull and discharge the Actis of a Generall Assemblie,—quhilk is not proper nor lauchfull to be done be na inferiour meiting of the Kirk,"—there is order therefore to charge Mr Tobias Ramsay, parson of Faulden, Moderator of the said unlawful Assembly, Johnne Smyth, minister at Maxtoun (Makristoun), clerk of the said Assembly, Mr James Daes, minister at Ersiltoun, "who maid the sermone in this thair conventioun," Johnne Clappertoun, Moderator of the presbytery of Chirnesyde, and Mr David Home, parson of Grenelaw, Moderator of the presbytery of Duns, to answer before the Council upon 5th November next, under pain of rebellion, with command to the said Moderators to continue in their moderation, according to the said Act, under the same pain.[1]

tives of the Clergy, with perhaps occasional clerical conferences, and congresses of select clergy in larger numbers, like the recent Linlithgow Convention. To that Convention, though the King and Council called it a "General Assembly," the Presbyterians, of course, still refused the name.

[1] As this entry shows, the battle against the King on the subject of the Constant Moderatorships of Synods, fought hitherto most conspicuously by the Synods of Perth and Fife, had now, in the abeyance of these Synods by prohibition of their meetings under pain of rebellion (*ante*, pp. 427, 440), been taken up by the Synod of Merse and Teviotdale. This Synod, having met at Duns on the 13th October, was urged by Lord Roxburgh, as the leading Commissioner present for the King and Council, to comply with the alleged enactment of the Linlithgow Convention by admitting one of the Constant Moderators of the Presbyteries composing the Synod to be Moderator of the Synod itself. "He gott a flat *nolumus*," says Calderwood (vi. 680); who goes on to relate how, not content with thus declaring themselves on the major question of the Constant Moderatorships of Synods, they went back on the minor question of the Constant Moderatorships of Presbyteries, declaring even these to be unlawful, any enactment at Linlithgow notwithstanding, and ordering all traces of them within the bounds of Merse and Teviotdale to be swept away, by discharging such Constant Moderators of Presbyteries as had already been admitted within these bounds, and forbidding any new admissions of the kind. The five ministers named in the present Act were selected by the Council as chiefly responsible for these proceedings of the refractory Synod.

ROYAL AND OTHER LETTERS.

A.D. 1604–1607.

ROYAL AND OTHER LETTERS.

Royal Letters, 1604–1612. Page 8.

Whitehall, 14th May 1604. Letter from the King to the Earl Montrose, chancellor, preferring Mr James Skene to the office of Clerk of Register, and appointing him of the Council.

"Right trustie and weilbelovit cosines and counsellours, we grete you wele: —As, upoun the dimissioun of oure trustie Counsellour, the Clerk of Register, we haif preferrit this beirair, Mr James Skene, his son, to his office and place, als wele in our Counsell as Sessioun, so, willing that he sall injoy whatsomevir thairunto propirlie belongeth, in esperance that he sall imitat the deutifull and faithfull course of his said fader, we have thoght goode to will and requeist you, upoun the sight heirof, to swear and admitt the said Mr James in ane of the nowmer of our Privey Counsell according to the forme. And this present salbe unto you a sufficient warrand. So we bid you fairwele."[1]

Page 3.

Whitehall, 28th May 1604. Letter from the King to the Council nominating four lawyers to be of the commission for the treaty of the Union.

"Right trustie and weilbelovit cosinis and counsellouris, we greate you wele :—Seing some lawyris most be commissionaris to dispute upoun the mater of the Unioun, We have thoght goode to nominat Mr Alexander King, Mr Johnne Nicolsoun, Mr Williame Oliphant, and Mr Thomas Craig, as best affected and fittest for that eirand, and thairfoir will desire you to interpone your credite and meanis that thir foure may be chosin, for the wele of this our realme and the better effecting of that grite turne, as you will do us speciall goode service. Sua we committ you to God."[2]

Greenwich, 12th June 1604. Letter from the King to the Parliament anent the Union of the two kingdoms.

"Right trustie and right weilbelovit cosines, councellors, freindis, and all the memberis of oure present Parliament in Scotland, we grete you wele : —That we omittit no cair nor trubell in the tyme of the last sessioun of this our Parliament in Scotland to adverteis you frome tyme to tyme, as occasioun wes offered by ony accidentis that fell out in this oure Parliament heir, we doubt not bot by our letters writtin to oure Counsell thair, and by our directionis imparted unto you, you haif had a large and sufficient prooffe, and thairby may easlie persave that we wer so loath that you

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sould wearie yourselffis by your remaning togidder ony langer tyme then wes necessair for the wele of that great and honnourable eirand of the Unioun for the whiche we maid you to be assembled as we omittit no oportunitie to adverteis you as said is, notwithstanding the great and continwall fasherie that we wer ever in alswele at that tyme and do still yit continew during the tyme of this our wearisome and longsome Parliaments

[1] Connect with p. 6, and footnote, p. 24, *ante*.

[2] For the names of the lawyers actually chosen by the Scottish Parliament to be in the Commission see footnote, p. 5, *ante*.

Letter from the King to Parliament anent the Union.

heir. And, on the other parte, what oure behaviour hath bene heir, alswele in all oure privat dealingis with particulair personis as in all our publict speecheis to the Parliament, and how far we haif at all these oportuniteis maid manifest to the world that we ar nouther forgetfull nor unthankfull to that ancient and honnorable kingdome wherein we and so greate a nomber of oure predicessouris befoir wer linealie bred, and what speciall cair we have had, yea how jealous we haif bene, to see that, als wele in all the speicheis as actionis of this oure Parliament heir, nothing mycht be utterit or done whiche mycht tend ather to the reproche in honnour or the prejudgeing of the liberteis and fredomes of that our ancient and honnorable realme and kingdome, wherof you ar memberis, we remitt the reporte thairof to divers of your natioun that hes bene ey witnessis thairof, whome it better becomes then us to be reportaris thairof. And now, as we can not omitt to gif you oure most hairty and unfenyeit thankis for your so reddy and willing convening the last tyme togidder, with your so patient attendance and remaning togidder till you ressavit forder directioun and adverteisment frome us, so most we now of new hairtlie require you to performe that parte of this eirand at this your present meiting which at the last, by reasoun of the longsome slawnes of this oure Parliament heir, you wer unable to putt to ane point at that tyme,—the mater you haif presentlie to resolve upoun being (God be praysed) maid now so easie unto you as you have nothing to do at this tyme bot onlie to aggree to a commissioun for certane Commissioneris on your part, to concur and confer with certane Commissionaris of this natioun upoun all thingis necessair and expedient for the perfyteing of so honnorable and necessair ane Unioun; wherin you haif now nothing to do bot onlie to aggree, worde be worde, to the lyke forme of Act and pouer for this purpois which the haill Parliament heir hes at the last, with a greate and generall applause and without ony contradictioun, aggreit upoun and enacted,—that, as you boith mak bot one body under us your head, so your actionis and conclusionis in this cais may be equall and uniforme in all poyntis. And that nathing is in the Act past heir which may onyway be prejudiciall to the fredome of your deliberatioun at the nixt sessioun of that oure Parliament thair (efter you haif hard the accompt of the Commissionaris procedingis) you may easilie by the copie of the said Act persave. For, as we haif oft protestit heir, and do als treulie heirby protest unto you, that nouther oure change of residence nor attening unto a far greatair and richar kingdome hath in the least jote diminisched our naturall luffe and affectioun to all the goode subjectis of that oure realme (whose bodie you mon represent), bot that we do in everie jote als equalie and fullie love and tender your wele and prosperitie as we do the wele and prosperitie of our people heir (being all now memberis of one body whereof we ar the head), so do we heirby faithfullie and honnourablie promeis and vow unto you, in the worde of your naturall King, that by the performance and effectuating of this Unioun we nather do intend nor nevir sall aggree to ony thing to be done thairin which may not be

Royal Letters, 1604–1612.

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Royal Letters, 1604–1612.

equallie and joyntlie necessair for the honnour and wele of boith the realmes, althouch we doubt not that without this protestatioun you wald nevir otherwayes have belevit of us, considdering the lang prooffe and experience that you haif frome our credill had of oure sinceir cair and affectioun to that oure realme, alswele during the tyme of oure aboade amangis you as in the tyme that is alreddy past in oure absence, wherein you may promeis yourselffis alyke in all tyme comming.—To conclude, then, since it hes pleased God now so to dispose that we can not be personalie present with you at this Parliament, as we wer evir wount to be during the tyme of our aboade amangis you, we thocht we could do no lesse then be this our letter to expres and represent the substance of oure thoghtis and affectioun of our hairt towardis you, assureing ourselffis that not onlie at this present assembley of youris, bot alsua at all other occasionis heirefter, you will continew to gif us that dew and thankfull meiting on your parte whiche you evir haif done, bot most specialie sen our absence frome you, as we sall nevir bot deserve the same at all occasionis that may be for your wele and prosperitie. And sua we bid you hairtlie fairwele."[1]

Letter from the King to Parliament anent the Union.

Page 6.

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"Right trustie and weilbelovit cosines and councellouris, we grete you wele :—The present is to signifie to you that it is our pleasour and expres command that nothing be medlit with nor handlit in that our Parliament bot onlie the mater of the Unioun, with sic materis of foirfaltour as ar in proces, and the restitutioun of James Douglas to his landis and living. Sua we bid you hairtelie fairwele."[2]

Greenwich, 12th June 1604. Letter from the King restricting the work of this Parliament to the subject of the Union.

"Right trustie and weilbelovit cosines and councellouris, we grete you wele :—Althoch we have alreddy gevin directioun to our Comptroller to impart our mynd anent the Lordis of the Articlis els nominat and chosin, yitt, being sufficientlie informit that some foolishe people, oute of thair evill dispositioun to draw the changeing of the saidis Lordis of the Articlis in questioun and to motioun ane new electioun, it is ane malice that we can not bot mervell that ony man can imagine, that ony such forme can aggree with law, reassoun, or ony precedent evir hard of befoir, that anes ane electioun being maid of Lordis of Articlis in ane Parliament and the self same Parliament being one runing Parliament and continewit

Greenwich, 12th June 1604. Letter from the King to the Chancellor and other Councillors anent the continuing of the Lords of the Articles and the Commissioners for the Barons and Burghs.

[1] The Parliament to which this letter was addressed sat at Perth from July 3 to July 11, 1604. See footnote, pp. 5–6, *ante*. The original of the letter, under the sign manual, is preserved among the Miscellaneous Papers, but is less perfect than this official copy among the *Royal and Other Letters*.

[2] How implicitly these instructions were obeyed may be seen by referring to the record of this Parliament in *Acta Parl. Scot.*, iv. 262–276. Besides the Act appointing Commissioners for the Union, the entire business consisted of a brief and formal *Act in Favouris of the Kirk* (itself connected with the Commission for the Union), three or four Acts of forfaulture or relating to forfaultures, one *Act anent the Restitutioun of James Dowglas of Spott*, and another *Anent the Restitution of Maister Thomas Cranstoun* (and his brother John). Douglas of Spott and the Cranstouns had been forfaulted for their concern with Bothwell and his treasons. For particulars about them see vols. v. and vi., by indexes.

Letter from the King anent the Lords of the Articles.

to a particulair day, that these Lordis of Articlis can be callit in questioun in ony wayes; and thairfoir, for eshewing of all contentioun and foolishe argument that may aryse heirupoun, we have thoght goode to signifie our pleasour, and to declair unto you that our will is that the free electioun whiche alreddy wes maid of the Lordis of Articlis in the begynning of that our Parliament sall continew untill the finall end of the same, since, without sua be, nather can it be a lauchfull Parliament nor that ony thing thairin salbe aggreit upoun can be haldin ferme and stable. And, whosoevir thay be that hes intentioun to mak ony alteratioun in that cais, we can not bot judge the same ather to procede of ignorance, or then on force it mon be that they carye no good affectioun towardis the furtherance of our service. As, lykewayes, we have thoght goode to foirwarne you that the same Commissionaris of baronis and burrowis, not onlie for the Articlis bot for the hole Parliament, must continew not onlie at this Sessioun, bot alsua at the nixt Sessioun of the same Parliament, when the Commissionaris sall gif accompt of thair proceding. Onlie, in cais ony memberis, ather of the generall Parliament or of the Articlis, salbe deficient ather at this or the nixt Sessioun of the said Parliament, throuch death, seiknes, or other lauchfull impediment, that then and in that cais ane new electioun salbe maid for suppleing of thair placeis according to the auncient and continuall custome. Sua we bid you fairwele."[1] Royal Letters, 1604-1612.

Greenwich, 26th June 1604. Letter from the King to the Parliament anent Commissioners for the Union.

"Right trustie and weilbelovit cosines, counsellouris, freindis, and otheris, chosin Lordis of Articlis of oure present Parliament in Scotland, we grete you wele:—We doubt not bot, by oure letters particularlie writtin to you at divers tymes, and by the letters written to some of you be certane of our Counsall heir, togidder with oure directionis sent unto you be our trustie Counsellour, the Comptroller, you ar verie weill informit of the great panes and travellis we haif takin in the mater of the Unioun for the wele and libertie of that our cuntrey of Scotland, and how that, by our onlie labour and eirnist travell, the commissioun wes procurit to be sett doun in equall and indifferent termes for the wele of boith the cuntreyis alyke; and that alsua we, by the lyke our awne speciall panes and endivoir, have procurit sic Commissionaris to be chosin and imployed for this our cuntrey as we trust ar best disposit to have all materis richtlie caryit to the wele of boith the realmes. And, be reasoun that this eirand is not of the nature of other commoun turnis, bot greatlie concernis the estate of the haill commounwele of Scotland, we haif thoght fitt, in respect of oure absence amang you, to assist you with oure advise at this tyme in the nominatioun of personis to be Commissionaris, having maid choise of such names unto you as we, be the lang experience we haif had in that Page 5. Page 6.

[1] The King's instructions in this letter were obeyed. The Lords of the Articles in the Parliament which sat at Perth from 3rd July to 11th July 1604 were those "chosin of befoir at Edinburgh the twentie-sext day of Aprile last bipast." See *Acta Parl. Scot.*, iv. 260–263.

Royal Letters, 1604–1612.

kingdome (when we wer thair) of thair qualiteis, do esteame to be meitest and of greatest abilitie to be foiranentis thame that ar chosin heir, and remittis the same our choise and opinioun to your approbatioun, not doubting bot you will mak ane deutifull accompt of oure pleasour, and carie a thankfull regaird of the greate panes and travellis tane be us in this particulair eirand for the wele and commoun benefeit of oure subjectis and haill estate of that oure cuntrey. And, forsamekle as we, oute of our faderlie cair towardis you, oure subjectis and people, wald have relevit oure cuntrey of Scotland of ony taxt or subsidie, yitt, heiring the malicious reprocheis of some evill disposit personis that Scotland wes not eschameit to come in competitioun with England of honnouris and other conditionis of equalitie, and yitt had not the moyane to mak thair Commissionaris chargeis bot of oure cofferis of England, we, in our loving regarde to the honnour of that oure cuntrey, thocht it moir mete that by a moderat taxatioun it sould be done nor that they sould have that reprotche to lay aganis the cuntrey of Scotland. And, since we trust in the goode affectioun that you and all oure subjectis have borne evir unto us, we putt no doubt bot you will continew in the same, specialie in quhatsomevir may tend to the furtherance of our service or the wele and benefeit of your Estate. So we bid your hairtlie fairwele."[1]

Letter from the King anent Commissioners for the Union.

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"Right trustie and weilbelovit cosines and counsellouris, we grete you wele :—Forsamekle as thair is a nomber of Commissionaris appointit to come up heir for treating upoun the mater of the Unioun, we think it very expedient, both for the honnour of that our cuntrey and preventing of the disdaynefull speicheis and reprocheis quhilk otherwayes may ensew, that all such nobilmen and utheris as sal happin to be imployed in that eirand sall, befoir their taking jornay hither, be solemnlie sworne that thay nor nane following thame sall impashe us with making ony particulair suitis for onything within this land during the tyme of thair remaning, least our subjectis and people heir sould tak occasioun to gif oute speecheis of reprotche that the nobilmen, Commissionaris of Scotland, come rather heir to beg and obtene suites of us then for the eirand appointed to be treated of and that thay had in hand, both to the dishonnour of the natioun and thameselffis. And sua, remitting this mater to your considerationn and cair, we bid you fairwele."

Greenwich, 26th June 1604. Letter from the King to the Chancellor and other Councillors to obviate the impression that the Commissioners for the Union may take advantage of their journey to London to press their private suits.

"Right trustie and weilbelovit cosines and counsellouris, we grete you wele :—Upone prooffe and experience we haif had in tymes bipast of the loyaltie and goode dispositioun of Mr Alexander Hay of Fostersait, ane of the senatouris of our college of justice in Scotland, to await upoun oure service at all occasionis, and being fullie certifyed of his willingnes to

Apthorp, 12th Aug. 1604. Letter from the King to the Earl of Montrose, chancellor, and other Councillors, nominating Mr Alexander Hay of Fosterseat to be of the Council.

[1] The Parliament did not wholly adopt the King's list of persons fit to be Commissioners for the Union. "His Majestie, in a letter to the Estats, sett doun a list; but they made a new list of their owne" (Calderwood, vi. 262–263). See *ante*, p. 5, footnote, and p. 457 and footnote.

Mr Alexander Hay nominated on the Council.

continew in the same in tyme comeing, we haif, to inhable [him] sua to do the mair for that effect, thoght meit to adjone him to the nomber of oure Prevey Counsellouris in Scotland, and to mak him ane of the Lordis thairof; and thairfoir it is our will that, efter the sicht heirof, you ressave the said Mr Alexander his aith for the faithfull and dewtifull discharge of the said office of ane of oure Prevey Counsell in Scotland, and admitt him to the said office, with all immuniteis, previlegeis, and solempniteis used in the lyke cais, siclyke as ony utheris of the Lordis of oure Prevey Counsell hes brookit and injoyit and bene in use of at ony tyme bigane. Wheranent thir presentis salbe your warrand. And sua we commit you to God."[1] Royal Letters, 1604–1612. Page 9.

Windsor Castle, 25th Sept. 1604. Letter from the King to the Earl of Montrose and the other Councillors forbidding the excommunication of the Marquis of Huntly for non-communion, if he obeys other points of church discipline.

"Right trusty and welbeloved cowsen and counsellouris, wee greete you hartely well:—Having understood by a complaint from the Marques of Huntlie that the presbyterie of Aberdene intendes to proceede to excommunication against him and his Lady for not communicating, although he heares conference, frequentes the sermons, and yealdes all outward obedience, and craves a reasonable tyme to resolve him before he be enforced to communicate, wee have thought good to acquaynte you with our mynde in that mater,—that, although the said Marques his behaviour hath not bene such in our service as wee ought to extend any clemency or courtesie towardis him upon his owne deserte, yet, because wee holde that a mater of mere conscience to compelle [? a m]an to communicate before he finde a stedefast resolution to do it wee cannot find their resolution . . . . able. So that, if the said Marques be contented to finde sufficient caution, or may be able to verifie that he offers to here conference, frequentes the sermons, obeyes the lawes anent the receipt of excommunicated persons and recusantis, and generallie satisfyes in all other pointes of externall obedience the discipline of the Kirk, it is our pleasour that yee graunt him suspension, and dischardge them of any proceeding against him, under paine of horning. So wee commende you to God."[2] Miscellaneous Papers.

Hampton, 3rd Oct. 1604. Letter from the King to the Earl of Montrose, chancellor, and other Councillors, anent the disputed election in Dundee, the MacGregors, and other matters of state.

"Right trustie and weilbelovit cosines and counsellouris, we greit you wele:—We have ressavit your letter of the 26 of September, and have lykwayes hard the relatioun of our Secretarye in all you write to him. Royal Letters, 1604–1612. Page 9.

As to the dyet, we think it ouer lang, and that hardlie, yf you stay to the nynt of this instant, you can be heir to sitt the xxth; whiche day we intend preceislie to keepe: and, for this caus, we maid our last dispatche that you sould meite and do all your turnes the fourte, and frome thense tak your jornay. Thairfoir it is oure pleasoure that you prevent the said

[1] See *ante*, p. 22, and footnote, pp. 22–24. Connect with entries pp. 20–21, and footnote, p. 21, *ante*.

[2] Original letter under the sign manual.—

Royal Letters, 1604–1612.

day, that you may the moir easilie keepe the tyme appointed for your meiting heir.[1]

Letter from the King to the Council on various matters.

We haif considderit that parte of your letter writtin to our Secretair concerning the behaviour of the inhabitantis of Dundee in thair electioun of thair magistratis and behaviour befoir the Counsell. Yf, according to our formair directionis, these factious mutinaris had bene punished as thair insolence merited, this last disordour had not fallin oute. Thairfoir it is oure pleasour that the principallis of thame, eftir your tryale takin, be absolutelie wardit within the Castellis of Blaknes and Dumbartane till our pleasour be forder knowne,—that letters be direct to fens and arreist thair cornis, goodis, and all that belongeth to thame, at our instance and our Thesauraris, till efter dew tryale we resolve what fyne or other punishement to lay upoun thame for thair insolence. And, for that we heir that Mr Robert Howy hes bene a medler, it is our pleasour that, efter tryale, yf you find him to have medlit otherwise in this mater then it

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become a persone cheritablie to dispose his people to oure obedyence and all goode ordour, that you command him not to repair within foure myllis to the toun of Dundee, and by your letters command the Commissionaris of the Generall Assembley, according to our directioun send with Mr Andro Lamb, to tak tryale and cognitioun of all his behaviour in that mater; and, yf his remaning thair can not be proffitable to the toun, that thay adverteis us with advise both concerning the planting of the toun and the nixt convenient ordour to be tane with him.[2]

It is oure pleasour that the Lord of Newbottle, whome we haif appointit to supplie our Chancellouris absence,[3] have a speciall cair to see all these thingis executed without favour or feed, as lykewayes that strait tryale and seveir punishement be used in the accident fallin oute betuix the Carkettlis and Libbertoun, and the bloode betuix Archie Home and George Ker, that, for lake of punishement and justice to be done by our Counsall, these accidentis draw not to the renewing of the auld forme of feadis, and pairtyis by thair freindis be enforced to repair thair wrongis; whiche sould be done by justice.

We haif send for the Lord Home and his depute to gif directioun concerning the Bordouris.

As for the M^{c}Gregouris, we signifeit our pleasour that the Erll of Ergyle sould outher prosequute the service according to the first conditioun,—lyke as we ar willing that he sould be assuired of the rewarde appointit,—or ellis that he should putt materis under assuirance till Martymes, betuix and whiche tyme, by advise of the commissionaris and such otheris of the Counsell as ar heir, we sall certifie our mynd concerning the said Erllis last petitioun. We wald be glaid that he sould end the service and enjoy his rewarde, for so is his [? our] meaning that freelie and honnourablie he sould haif it; bot, yf we be frustrated and the cuntrey

[1] See *ante*, p. 15, and footnote.

[2] Connect with entries p. 12 and p. 14, *ante*, and with the long record, pp. 94–100 *ante*, of proceedings against Mr Robert Howie nine months later: viz., in July 1605.

[3] See *ante*, p. 15, and footnote.

Letter from the King to the Council on various matters.

wrackit, we wilbe compellit to deale uthirwayes with him then we wald wishe his behaviour sould procure. Royal Letters, 1604–1612.

We recommend to so mony of you as ar Commissionaris that you mak all the haist you can that the xxth may be the first sitting day, that, the sonner the eirand [Union] be begun, it may tak the sonner end.

The rest of you whiche remane at hame, as we write befoir to some of the speciallis of you, so by these presentis we recommend to your cair and diligence the quietnes of the cuntrey in all pairtis thairof, that now, Page 11. in the absence of sa mony, malefactouris be not liberated nor evill doaris escaip, assureing you that we sall not onlie authorise and allow all your procedingis aganis whatsomevir personis wald calumniat, bot sall in your awne particularis acknowledge your good service as evir thay sall fall oute. Sua we bid you all right hairtelie fairwele."

2nd Nov. 1604. Letter from his Majesty to Lord Newbattle and the other Councillors anent Lady Cassillis, widow of Lord Thirlestane.

"Richt trusty and weil beloved cousing and counsellouris, we great you wele:—Being informit of sum extraordinarie courses taikin by oure cousing the Erll of Cassillis against his Lady and bedfallow, we can not but, in rememberance of the bigane service of hir last husband, recommend hir unto your protectioun. And, for that we understand the Larde of Clerkingtoun hes a tak and assedatioun of hir rent, and be vertew thairof is in possessioun of the same, and that notwithstanding the said Erll intendis be violence to disposses him;—quhilk being a mater of verye ewill example and properlie belonging unto you to remeid, it is thairfoir oure pleasour that in that haill earand yee not onlie have a cair of the gentilwoman that scho be not utherwise used nor appertenis, bot also that the said Erll be suffered to do nothing in hinder or prejudice of the Lard of Clerkingtoun but be ordour of law, and that he be manteanit in his said possessioun, as you will do us good and acceptable service. So we bid you fairwell."[1] Miscellaneous Papers.

Huntington, 28th Jan. 1605. Letter from the King to the Councillors to admit Sir James Scrymgeour on the Council.

"Richt trustie and weil belovit counsellouris, we greete you weele:— Calling to mynd the sufficiencie and experyence of Sir James Skryngeour of Dudop, knicht, wherof he hes gevin evident prooffe booth in his imployment in our service abroade and at home, we haif thoght goode by these presentis to communicat our determinatioun unto you; whiche is to promove him to oure Counsell of Estate thair, willing and commanding you that you admitt and sweir him in the place of one of oure Counsell of Estate thair, and to haif and enjoy all honnouris, digniteis, and prerogativeis that ar onyway incident to the said place. Whereunto these presentis salbe unto you a sufficient warrand."[2] Royal Letters, 1604–1612. Page 18.

Whitehall, 11th Feb. 1605. Letter from the King to Lord Berwick, treasurer of North Britain and Chancellor of

"Wheras it hes pleasit God to amplifie and extend our dominionis ouer all Great Britane, France, and Yrland, and that, conforme thairunto, oure Page 11.

[1] Original letter under the sign manual.—Connect with entries p. 16; and, for the circumstances of the marriage of the Earl of Cassillis with one so much older than himself as the widow of Chancellor Thirlstane, see vol. v. Introd. xc, and p. 555, n.

[2] See p. 22, and footnote, pp. 22–24, *ante*.

Royal Letters, 1604–1612.

seallis, boith greate, prevey, and signett, have bene reformed in this oure realme of England, it is thairfoir oure pleasour that you caus mak new oure greate seale, privie seale, and signett of Scotland according to our dominionis, caus the same be delyverit to oure officiaris to whom the keeping thairof belongeth, see the auld ones brokin and destroyed, and all writtis and securiteis in tyme comeing authorised by these new sealis and signettis. And these salbe unto you in that behalf a sufficient warrant."[2]

Exchequer,[1] anent the renewing of the seals.

"Richt trustie and weilbelovit cosines, councellouris, and otheris oure trustie and weilbelovit subjectis, the Esteatis presentlie assembled, we grete you wele:—We have thoght convenient at the returne of oure Chancellour that you be assembled to the intent you micht know by his reporte (as we doubt not bot every one of you hes bene severalie informed by the Commissionaris) of oure good affectioun towardis you, and the honnour, benefeit, credite, and the advance of that oure kingdome, whiche is in all respectis no les deare unto us now then evin then when we duelt in the midis of you. And, least our absence mycht bred in the hairtis of the better sorte ane opinioun of our neglect of that Estate, and in the worst ane esperance of impunitie, we desire you, all in generall and everie subject of that country in particulair, to be fullie persuadit that our greatest cair is, and hes evir bene since our comeing hither, that justice in all degreis may be ministred with
Page 12. greatair honnour and integritie, the executioun thairof go fordwart with greatair severitie, and generallie that oure authoritie may be now so muche the moir reverenced amang you as oure pouer is greatair to repres the insolence of the most laules misdoar and headstrong oppressour, in suche sorte as honnest men may confidentlie repoise thair honnest procedingis in the assuirance of oure princelie love, and tyrantis and malefactouris be affrayed to attempt ony thing contrary to our lawis, to the harme or prejudice of thair nichtbouris, being assuired not to eschape the rigour of suche punishement as the nature of thair offence deserveth. And thairfoir we recommend to you that, since we haif at all assemblyis, both publict and privat, mantenit the honnour of that cuntrey, the generous dispositioun of you, oure subjectis, to oure obedyence, and the observance of the lawis, by your misbehaviour you mak not the contrarie appeir, bot that every one of you in your awne degrie strive, in a laudable emulatioun of obedyence, policie, and all verteous industrie, to rais and increscse his awne esteate:—the Nobilitie, as thay ar in credite and honnour nixt unto us, by thair goode example to teiche thair inferiouris how to live civilie, with that dew respect to oure obedyence whiche apperteyneth, and to be by thair force and pouer assisting to oure justice and officiaris of the same in all thingis tending to the conservatioun of the peace and observatioun of the law: the Baronis and Gentilmen with the

Whitehall, 11th Feb. 1605 Letter from the King to the Earls, Lords, Barons, and other Commissioners of the three Estates of North Britain, desiring all to join in promoting policy and good rule.

[1] Formerly Sir George Home of Spott, now Lord Berwick in the English Peerage, and about to be Earl of Dunbar in the Scottish. See *ante*, pp. 23–24, footnote.

[2] Connect with entries p. 54, *ante*.

lyke cair to respect the commounwele, not in showe or wordis bot in effect, thinking that everie insolence or contempt whiche begynneth bot in one, yf it be not supprest at the begynning, may inflame the hole body, whereof thay ar the greatest pairt: the Burrowis to thair pouer to contend with boith in a steidfast desire to be reputed wholesome and proffitable memberis, that amang thame vertew and policie may floorishe by setting up of proffitable trades to the goode of the cuntrey and suppressing the contrarie, following the laudable example of this thair nightbour cuntrey, and other civile placeis quhair thay trafficque abroade: that the whole body may joyne in one to the rooting out of all barbaritie whiche hes bene hitherto mantenit in ony corner of that cuntrey, bot specialie in the Bordouris and Heylandis: that, by labouring your oune wollis, the begun trade of the clothing, whiche hes maid this your nichtbour cuntrey famous ouer all the world, may have a progres, and other trades of the lyk natur undirtane, so that thairby your ydill people may be sett on worke, your poore suppleit, and your commoditeis, whiche by your negligence hes enricheit utheris, may redound to your awne benefeit and welth: that the Yllis may be reduceit to oure obedyence, coloneis of civile and industrious people planted thair, quhairby not onlie our patrimonie may be incressit and mony honnest men placeit in fertile and proffitable roumes, bot also that commodious trade of fisheing, so long neglectit, may be so hairtelie imbraceit and prosequuted, to your unspeakable advantage, with suche dexteritie as the reprocheis of barbaritie and povirtie, whiche hes heirtofoir been layed aganis you, may cease in tyme comeing, and the name of your natioun maid als famous for policie and welth as it is and has bene held by the world for valour and antiquitie. Royal Letters, 1604–1612. Page 13.

All these, and otheris pointis of the like consideratioun, tending to Godis glorie, oure honnour, and goode of the commounwelth in generall, alswele as the benefeit of everie subject in particular, we recommend to be considderit of by you at this your solemne meiting, that we, being acquented with your procedingis, may interpose unto thame oure allowance and confirmatioun,—[that], yf thair be ony thing wherunto the authoritie of the Parliament wilbe requisite, the same may be prepaired aganis the nixt sessioun thairof: assureing you all that, following the course of justice and obedyence, and having the cair whiche you aught of the floorisheing of verteu and policie amang you, your honnour and libertie in all respectis salbe als deare to us as oure lyfe or esteate. And so, remitting the rest to the sufficiencie of oure Chancellour, we bid you all, richt trustie and richt weilbelovit cosinis, counsellouris, and weilbelovit subjectis, fairwele."[1]

Whitehall, 11th Feb. 1605. Letter from the King to the Earls and others of his

"Richt trusty and weilbelovit cosines and councellouris, we grete you wele:—Althoght we gaif our directioun to Sir Alexander Stratoun of Lowreistoun that, in materis of excommunicatioun of noblemen, he sould Page 14.

[1] See *ante*, p. 55, and footnote.

Royal Letters, 1604–1612.

advise the brethrene of the ministerie to proceid with greate moderatioun, and to use all goode meanis rather by lenitie to reduce thame then by ouer great rigour thay sould be exasperated,—in whiche proceding thay sould use the advise first of the Commissionaris of the Generall Assembley, and, yf thay find ony nobleman who is to be censurit refractarie or unwilling to conforme himselff to the law, that, upoun thair requisitioun to you, you call thame befoir you, and, finding him dissobedyent, that you concur

Council of Estate in North Britain, containing instructions as to the mode of dealing with noblemen who may incur Church censures.

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with the ministerie, that, as thay execute the spirituall censure, so you may extend the civile pouer aganis thame, bot, by the contrair, yf you find the nobilman willing to satisfie the Kirk in all thingis saulfing that he find some waiknes whereby he desyris not to be haistelie preissit with communicating, that in that cais, or ony of the lyke nature wherein thair appeireth no malice nor publict sclander, that you interpose your authoritie to discharge the ministerie of suche proceding till we be first adverteissit, under suche pane as you may think requisite: not that by this course we meane ony favour to suche as shall dissobey, bot that thair ouer great haiste mak not thair procedingis contemptible, whiche we wishe sould not be used aganis greate personageis bot with great wisdome and discretioun and upoun notable and knowne dissobedyence. So, not doubting bot you will als cairfullie manteyne all thair lauchfull procedingis and see all dew obedyence to be indifferentlie yealdit unto thame by all our subjectis as we wishe you to moderat thair extraordinarie rashnes, we bid you all fairwele."

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"Richt traist cosines and counsellouris, we grete you wele:—Having heirtofoir speciallie be our letter recommendit unto you the ordour-taking with these mutinous and factious burgessis of Dundee, whose seditionis hes perturbit the quiet estate of that toun, and (yf thay be not preventit) may utterlie undo that burgh, we understand that, in the tryale of that mater befoir you, some ar alreddy foundin guiltie, who be you accordinglie ar committed, at least commandit, to severall prisonis and wardis, quhill our forder pleasour wer knowne. Whiche now we ar of mynd to imparte unto you:—to witt, that not onlie all these who heirtofoir, as intertenyaris and fosteraris of tumult and seditioun within that toun,

Whitehall, 15th Feb. 1605. Letter from the King to the Lords and other Councillors of Estate concerning the disputed election in Dundee.

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hes bene be you ather wardit or ordanit to be wardit, bot all utheris who heireftir at ony tyme sal happin to be tryit guiltie and culpable of the lyke offence, salbe declairit be speciall Act of Counsell to be incapable of ony office, charge, and publict functioun whatsomevir within the said burgh and toun of Dundee, and to be simpliciter excludit thairfra during all the dayis of thair lyftyme, discharging all suche within the said burgh as hes ather voit or consent in the electioun of the magistratis or other officeris within the same to mak choise of ony of the saidis personis. And our forder will and pleasour is that all utheris within the said burgh who salbe tryit in ony wayes to haif bene favouraris, pairttakaris and assistaris of the saidis ringleadaris in thair tumultuous broyllis, be fynnit in greate soumes, according to thair rank, habilitie and worth, to be payit to our

Thesaurair and his depute for our use. And, becaus the povirtie of some craftismen and prenticeis within that burgh hes maid thame the moir reddy to offend, presomeing of impunitie, thairfoir our will is that, whenas ony suche personis salbe tryit to haif assisted the saidis factious people, that thay salbe baneist furth of oure said burgh of Dundee during all the dayis of thair lyftymes, and sall losse and amitt all fredome of burgesshipp or uther immunitie thay had within our said burgh. Whilkis particularis abonewrittin being set doun be Act of Counsell, you sall direct letters of publicatioun upoun the same as the cais sall require. And sua, recommending this mater to your cair and diligence, we bid you hairtelie fairwele."[1] Royal Letters. 1604–1612.

Greenwich, 22nd March 1605. Letter from the King to the Earl of Dunfermline, Chancellor, and the other Councillors, ordering them to delay the censures of the Kirk against the Marquis of Huntly.

"Right trustie and weilbelovit cosines and counsellouris, we greete you wele:—We haif sene that last Act of Counsell grantit in favouris of the Marques of Huntley, whenas the ministerie in the North intendit thair rigourous proceding aganis him; wherin we do allow wele of the setting doun of the said Act, and haif thocht mete now to recommend unto you that you have ane speciall cair and regaird that these ministeris, movaris of that questioun aganis the Marques, be contenit within the boundis of moderatioun, and thair unreulie willis not sufferrit to rin at randome, bot, quhair you find ony ground of reasoun, yf your advertisment be missive can worke in thame no goode effect, you sall, by chargeis of hoirning and all other your ordinarie forme of proceding, enforce those ministeris to conforme thame selffis to the particulair instructionis gevin be us to the Laird of Loureistoun, oure commissioner in that mater, which na doute he hes alreddy imparted unto you; and als that you sall have ane speciall respect that, seeing the Marques of Huntley is willing and content to obey all thingis that be the saidis instructionis is adjonit unto him to do, Page 16. that he be maid secure of all hasaird or dangeir that may befall in cais the saidis ministeris wald in ony way insist in thair rigourous proceding, nochtwithstanding of your discharge to the contrarye. And heirwith we wald have you speciallie to admonishe the Marques that, howevir for a tyme we ar willing that the censure of the Kirk aganis him be continewit quhill he be his forder instructioun be fullie resolvit in conscience of the best course, yitt we intend not to dallye tyme, nor to feid him still in that humour, bot ather he mon preis shortlie to settle himself in that questioun, or then we will suffer the ministerie to proceid with thair censure, and thairefter we will gif forder ordour for the executioun of our lawis in that caise. And sua we bid you richt hairtelie fairwele." Page 15.

Greenwich, 1st April 1605. Letter from the King to the Earl of Dunfermline, Chancellor, and other Councillors, anent the present

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—We ressavit your letters from this beirair, Mr Johnne Forbes, by whome we ar certifeit of the particulair continuatioun grantit be the ministerie of [? the] North of all censure aganis the Marques of Huntley whill our will and pleasour wer understand: by whome alsua we have particu-

[1] See *ante*, by Index, under *Dundee*.

Royal Letters, 1604–1612.

larlie imparted unto us certane speecheis utterit be the Marques to some of the ministerie whenas thay wer in commissioun send to him to confer with him anent his professioun in religioun, and, being inquirit by thame yf he wes of thair religioun, he gaif ane direct refusaill and said he wes of ane contrarie professioun. Whiche we can hardlie beleve, and thairfoir have thoght meit to signifie our will and pleasour that you sall call the Marques befoir you, and ather caus him purge himselff be denyall that he nevir utterit ony suche speecheis, or then, upoun his confessioun, direct him in all humilitie to crave pardoun for his oversight, admonisheing him to bewar frome falling in the lyke offence,—whiche heirefter sall not eschaip unpunished. For we accompt it ane very haynous cryme that ony of our subjectis will mak oppin professioun of ane contrarie religioun to that whiche we oure selff do profes and acknowlege to be the verie trew faith authorizit be the lawis of our kingdome; to the whiche treuth we oure selff and the ministerie thair having takin so greate panes to convert him, and he having maid oppin professioun thairof, having also subscryvit the Articlis of the Faith and sworne the same baith in our awne presence and at other tymes, we most neidis think it to be ane very manifest breache of his band, and very far to the reprotche of his credite and estimatioun. Alwayes we haif continewit all censuris of the Kirk aganis the Marques for not communicating for ane certane space, whill he, be his forder instructioun, may be moir resolvit in that point, he alwayes conformeing himselff to the rest of the particularis whilkis ar demandit of him,—to witt, his repairing to the kirk and heiring of sermonis, the baptising of his childrene be the preicheouris of the Gospell, the removing furth of his company of all recusantis and obdurit papistis, the planting of his kirkis with sufficient ministeris and gevand unto thame sufficient stipendis, and that he sould not ressett nor intercommoun with jesuitis, seminaryis, or excommunicat papistis, bot sould apprehend thame and present thame to the Justice. In whilkis pointis or ony of thame yf he sall gif ony forder caus of sclander, oure will and pleasour is, as we have directit with Johnne Forbes to imparte it to his brethren, that thay particularlie adverteis you our Counsell thair and complayne to you thairupoun, and signifie in quhat a point he is dissobedyent, to the effect you may call him befoir you, and upoun tryale may punishe him accordinglie, and compell him to conforme himselff to the obedyence of our lawis and satisfactioun of the Kirk in the foirsaidis poyntis. We have lykewayis declairit to Mr Johnne Forbes that we wald haif that same course to be followit furth be the ministerie in all thair ecclesiasticall procedingis aganis ony nobleman,—first, that thay will acquent you, oure Counsell, by whome alsua we looke to be certifyit of the caus of the compleynt and qualitie of the sclander, and thairefter you sall conveyne the pairtie befoir you, and ather move him to cleir himselff of the fault, or ellis to gif sufficient satisfactioun for his offence, or, yf he kyith wilfull or obstinat, you shall proceid aganis him as ane contemnair of our lawis, committ him to prisone, and acquent us with

relations of the Marquis of Huntly to the Reformed Religion and to the judicatories of the Kirk.

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your procedingis, and we sall returne our will and pleasour unto you what forder we wald haif done boith by you and the ministerie for removing of the sclander that hes come be the offens: wherein we persuade oureselff that our authoritie, with executioun of our lawis, will gif the les occasioun to the Kirk of using of thair censure, whilk otherwayes could not be eschewit. Herein as the ministeris ar willing to conforme thameselffis to our pleasour and to acquent you with thair procedingis, and fra you to ressave oure directionis, so we will desyre you eirnistlie to be cairfull to assist thame in removing all occasionis of sclander, and speciallie in materis of religioun, according as thay sall certifie you thairof, to the effect that, be your concurrence and drawing togidder in your religioun, whiche not onlie pleissis God bot alsua is the suirest band of obedyence to the Prince, I [? it may floorishe, the enemeyis of it may be suppressed, oure peace mantenit, and the quietnes and tranquillitie of that our kingdome provydit for. And sua we bid you richt hairtlie fairwele."[1] Royal Letters, 1604–1612. Page 18.

Greenwich, 19th Ap. / 2nd May } 1605
Letter from his Majesty to the Earl of Dunfermline, chancellor, and the other Councillors, anent the Cheviot fells.

"Richt trustie cousingis and counsellouris, we greit you hartlie weill:—The bipast spoile of oure gayme within the fellis and mointanes of Cheviote and the boundis thairunto adjacent proceiding heirtofoir upoun the disunioun of thir two kingdomes,—quhilkis now by Godis providence, and to oure subjectis most speciall happines, being conjoined both in oure persone, the caus of the misordour now being removed, and that which wes the limite of that oure kingdome heirtofoir being become the very center of oure dominioun within this haill Iland,—we are noway willing that the said abuse should continew; bot, as we haif apointed oure trustie and loving cousing and councellour the Lord of Berwick keipare of oure gayme and pastyme within those boundis, so oure speciall plesour and will is that ye call befoir oure Counsell thair the principall and cheif men of the surenames of Armestrang, Ellot, Scot, Rutherfurde, and Ker, and thair give thame expres directioun, inhibiting thame or ony of thair saidis surenames to repair to the saidis fellis and Cheviottis according to thair former unlauchfull custome to the spoyle of that our gayme, bot that thay abstene thairfra, as they will ansuer thairupoun. And heirwith we haif directit oure speciall proclamatioun thairanent, whiche yee will caus be published at all places neidfull. And so we bid you hartlie fairweill."[2] Miscellaneous Papers.

Greenwich, 23rd May 1605.
Letter from the King to the Earl of Dunfermline, chancellor, requiring the Nobility to attend the next Parliament in their robes.

"Richt trustie and weilbelovit cosine and counsellour, we greete you wele:—We haif heirby thocht meit to certifie you that at the nixt meiting of oure Estatis we wald haif you to propone to the nobilitie then to be convenit our will and pleasour that, againis the tyme of the ensewing Parliament, all the noblemen whilkis ar to repair to the same sould come prepairit to sitt in thair robis, that thairby the greatar respect Royal Letters, 1604–1612. Page 18.

[1] Connect this and preceding letter, and also that of date 11th February, with entries relating to the Marquis of Huntly at pp. 19–20, 20–21, 37.

[2] Original letter under the sign manual. See Proclamation pp. 41–42 *ante*.

Royal Letters, 1604–1612.

may be careyit to the honnorable and publict assembley, and that be thair habite at suche ane tyme these of the nobilitie may be distinguished from otheris of meaner rankis and sortis. And so we bid you fairwele."[1]

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Edinburgh, 20th June 1605. Letter from the Privy Council to the ministers assembled at Aberdeen.

"Traist freindis:—Efter oure hairtlie commendationis: Heiring that you haif appointit ane Assemblie to be haldin and keipit thair at Abirdene in the moneth of Julii nixt, wherby the Kingis Majestie may tak some occasioun of offence againis you, seeing nouther hes his Majestie bene maid prevey to your resolutioun nor yitt hes his Hienes consent and allowance bene soght and obtenit to this effect, according to the lawis and custome inviolablie observit thir mony yearis bigane,—we haif thairupoun thoght meete heirby to advyse you to considder of this mater as apperteyneth, and wyislie to foirsee what prejudice such rashe and unadvisit procedingis may draw upoun your Estate. For we ar perswadit, yf you proceid to the halding of this Assemblie without his Majesties approbatioun and allowance, that his Heynes will very hardlie degeist that mater, and will accompt the same as a contempt tuicheing his Majestie in a heich degrie. And thairfore it is our will and pleasour, and we think it meit and expedient for your awne weillis, the weele of the Kirk, and for intertenying and cherisheing of that Christeane harmonie whiche sould be betuix his Majestie and you, that you dissolve yourselffis, repair every one to his awne home and calling, and suffer this meeting to desert, and, afoir you appoint ony new meeting and Assembley, that you acquent his Majestie thairwith. Wherby as you sall testifie your obedience and conformitie to his Majestie and his lawis, so we doubt not bot his Majestie, upoun your awne sute and supplicatioun, will in reasoun gif you contentment and satisfactioun heirin. We have at greatair lenth communicat our mynd in this mater to the Laird of Loureistoun, one of his Majesties Prevey Councill, who at lenth will imparte the same unto you. And sua we committ you to God."[2]

Aberdeen, 2nd July 1605. Letter from the ministers assembled at Aberdeen to the Council.

"The spiritt of grace, wisdome, and of the feare of the Lord be in and upoun your Lordshipis for salutatioun:—Having in all reverence ressavit, red, and considderit your Lordshipis letter direct to us with the Laird of Loureistoun, we haif thairunto conformed ourselffis in our procedingis so far as possiblie we outher micht or could with the testimonie of ane goode conscience. For, albeit we wer heir lauchfullie assembled, not upoun ony privat appointment of our awne, bot upoun the lauchfull warrand of Godis Worde, the lawis of this land, custome of the Kirk, and speciall directioun of his Majesties commissioner, the Laird of Louriestoun, Mr Patrik Galloway, moderator of the last Generall Assembley, with consent of the remanent commissionaris thairof, send to us in wryte,—

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which we haif, and salbe in reddines to produce to justifie that we

[1] See Act of Council and Convention of June 7, 1605, "Anent the haveing of robs at Parliaments," *ante*, pp. 57–58.

[2] See *ante*, pp. 83–85, footnote.

haif not assemblit ourselffis without his Majesties consent and allowance, and so noway unadvisedlie nor in contempt of his Majestie,— yitt notwithstanding, for satisfeing your Lordshipis desire, whom in the Lord we ar and salbe aboute alwayes to obey, we haif desistit, and, upoun the sicht of your Lordshipis letter, resolvit to desist, from intreating, reasoning, voiting, or concluding ony the weightie affairis whiche our calling and necessitie thairby layed upoun us in so necessarie a tyme, and did conclude to dissolve ourselff and to depairt to our awne particulair chargeis, onlie appointing ane other day for our Assembley, whereunto we haif continewit all thingis. Whiche as it cannot minister ony just occasioun of offens to his Majestie nor your Lordshipis, so it wes most necessarlie requirit of us, for dischairge of our dewitie to God, his Kirk, and our awne conscienceis, least by the testimonie of these all three we sould be found and judgeit the verie first and onlie abrogataris of the lauchfull jurisdictioun, libertie, and previlege of the counsellis of Godis house for ordouring thairof,—whiche our deserting of this present Assembley without affixing ane uther particular day thairunto had planelie imported; and forder we sould haif bene fund the first manifest oppynnaris of ane gape in the oppin breache and violatioun of the lawis and statutis of this realme. Whiche being considderit be your Lordshipis, we doubt not bot your Lordshipis will apprehend and weye how both unnecessarlie, unadvisedlie, and unjustlie suche wrang sould haif bene used againis us be the Laird of Loureistoun as to haif execute ony charge of hoirning for obtening that wherunto we had alreddie gevin all humble obedience at the sute of your Lordshipis letter and requeist. Sua, luiking that our obedyence sall purches your Lordshipis favourable assistance at his Majesties handis to mak his Heynes in reasoun to be satisfeit, and favourablie to permitt unto us the libertie establisheit boithe by the Worde of God and his Heynes lawis, we hairtelie and humblie committis your Lordshipis and all your procedingis to the mercifull directioun and protectioun of God.—Frome our Assemblie at Abirdeyne the secund of Julii 1605: your Lordshipis to be commandit in the Lord,—Mr Johnne Forbes, moderatour, Mr Johnne Schairp, clerk.—To his Majesties most honnorable Prevey Counsall."[1] Royal Letters, 1604–1612.

Whitehall, July 1605. Letter from the Council of England to that of Scotland anent the Commissioners to be sent to France, on the part of the two kingdoms severally, to inquire and report on the commercial relations of both with that country.

"After oure richt hairtie commendationis to your goode Lordships:—Forasmuche as, amang these Articlis aggreit upoun by the Commissionaris assembled heir this last wynter to treate of suche thingis as concernit the wele of boith the kingdomes of England and Scotland, thair wes, by reasoun of some difference tuicheing the advantage whiche the Scottismen wer supposed to have abone the Englishe in buying and transporting of commoditeis in France, ane article proponned and assented unto (as your Lordshipis can wele remember) that befoir the nixt sessioun of Parliamentis thair sould be sent foure meete and discreete personis into France, twa for each syde, thair to tak perfyte notice of ony suche advantage as ather Page 21.

[1] For the historical connections and significance of this letter see *ante*, pp. 83–85, footnote.

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the Englishe have aboue the Scottishe or the Scottishe aboue the Englishe in the buying and transporting of ony commoditeis of Normandie, or of ony parte of France, excepting the trade of wyne at Burdeaulx, to the end that, as thay sould find the advantage to be, and upoun informatioun thairof by thame gevin, some course mycht be proponned to the saidis Parliamentis for making of the trade equall in proportioun ansuerable to suche advantage: your Lordships sall understand that, according to the aggriement in that point by the said Article, we haif chosin and selectit two sufficient and meete maircheantis to be imployed for this purpois into France for this realme, and have thoght goode to putt your Lordships in mynd to mak the lyke choise of two marcheantis for that realme of Scotland. Whome we wishe to be addressit hither by you, so as thay and the two marcheantis appointed by us may pas togidder into France aboute this busynes, and do pray you to send thame hither with als muche speede as you may, in regaird the nixt sessionis of Parlaments do now draw neir at hand. And sua we wishe your Lordships richt hairtelie wele to fair.—Frome the Courte at Whytehall the of July 1605, your Lordships very loving freindis, T. Ellesmere, cancellarius, T. Dorsett, Salisbury, Northamptoun. To the richt honnourable our very goode Lordis, the Lord Chancellor of Scotland, the Erll of Dunbar, the Lord Secretary, and the Lord Comptroller of Scotland, of his Majesties Prevey Counsell."

Edinburgh. Letter from the Council of Scotland to that of England in reply to the last.

"After oure verie hairtlie commendationis to your goode Lordships:— We ressavit your letter showeing that your Lordships hes chosin and selectit two sufficient and meete marcheantis for that Estate to go into France for taking notice of all suche advantageis as the Scottishe have abone the Englishe or the Inglishe abone the Scottishe in buying and transporting of ony commodities oute of France, conforme to the Article past thairanent in the conference and treaty of the Unioun, and thairfoir desiring the lyke choise myght be maid of two marcheantis for this Estate. Upoun the ressett of your Lordshipis letter we causit convene the Commissionaris for the haill Burrowis of this realme, whome this mater propirlie concerneth, and without whose advise no suche choise or electioun could be maid. Who being convenit, thay haif electit tua sufficient and meete marcheantis authorized with pouer and commissioun to do into that mater so fer as thay have warrand by that Article; and we haif directit thame thair to your Lordships, so as thay and the two mercheantis appointed be your Lordships may pas togidder into France. Thay haif informed us that thay will gif unto your Lordships satisfactioun in this matter, and will latt your Lordships cleirlie understand that thair is no necessite of thair going into France; wherin it will pleis your Lordships to heir thame, and as your Lordships sall find the occasioun to do accordinglie. And sua we wishe your Lordships hairtelie fairwele."

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"Trustie and weil belovit cosin and counsellour, we grete you wele:—

Havering in the Bower, 19th July 1605. Letter from his Majesty to Secretary Balmerino anent the unlawful Assembly held in Aberdeen on 2nd July, and anent the necessity of punishing the ministers concerned.

We have hard of the lait meiting of some of the ministerie at Abirdeyne, and hes sene the copy of all thair proceidingis. Whiche as we find to savour nothing els bot of seditioun and plane contempt of us and our authoritie, so we ar fullie resolved to haif thir begynningis prevented, and that ane present remeid be rather applyed then that be the increscе of the mallady the cure sould heirefter be of greatair difficultie. And we haif particularlie noted suche speciall placeis wherby thair seditious thoghtis ar cleirlie discoverit; whiche we haif send to you, that, with our Advocat, you may consult alswele of the particularis heir sett doun as of all utheris thingis whilkis you may gadder and collect yourselff furth of this historie of thair procedingis, and that, upoun the same, lauchfull process may be deducit aganis thame according to the qualitie of thair offence. As, first, in that point of thair proceding quhair mentioun is maid that our Commissioner did present the Counsellis letter unto thame (markit in the copie heirwith send with the figure T) thay wald witnes and attest thair willingnes to the satisfactioun of us and oure Counsell sa fer as mycht stand with the Worde of God and the testimonie of thair conscience. Now, the reule of thair conscience being thair awne consait and apprehensioun, thay think thameselffis no forder astricted to oure obedyence and satisfactioun then sall seame to thameselffis expedyent. Nixt, in that missive letter writtin to the Counsell (in that pairt markit with this X), in making mentioun of the discharge of thair dewitie thay nominat God, Kirk, and thair conscience, bot the mentioun of ony dewitie to us, thair Prince and Soverane, is omitted, as yf nouther Natur nor the Worde of God had evir directit obedyence of subjectis to thair native princes. And in the said letter thairefter (at this signne ✠) thay wald mak this thair apologie for thair proceding, that thay sould not be the first opynnaris of ane gape to the oppin breache and violatioun of the lawis and statutis of this realme,—willing the Counsell to wey and considder thairof as yf thay wald mak ane plane accusatioun of some tyrannie intendit be us to the prejudice of the lawis of that our kingdome,—ane speiche altogidder smelling of treasoun and lesemajestie, and onlie utterit be thame to mak our subjectis jealous of our procedingis, and so fer as in thame lyis to rais tumult and seditioun in that our kingdome. And, last, whereas upoun the delyverie of the Counsallis letter thay willed the Laird of Loureistoun to remove, [and] thay in the meantyme, ceassing to intreate of otheris materis, did continew the Assemblie whill Twisday the last of September, in that they did tak upoun thame the full authoritie and pouer of ane Generall Assembly, and in doing thairof without warrand or authoritie thay committed ane manifest contempt and dissobedyence. In whiche foirsaidis, and mony other thingis that may be observed in the historie of thair procedingis, we doubt not bot that thir unreulie spirittis that hes convenit at this tyme hes directlie come under the compas of oure law, and may be procedit aganis and punished as trespassouris in a very heich degree; wherin howevir oure inclinatioun hes bene frome oure nativitie disposit to clemencie and frie of all rigour and severitie, yitt in

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this we do feir muche that lenitie sall produce no goode effect. And, it being ane greate deale better that ane unnecessarie member be cutt af then that be the gangrene and corruptioun of it the haill body sould be endangerit, we will rather mak choise to caus proceid with rigour and extremitie aganes some of thir, according to the qualitie of thair cryme, then by suffering thame to eschaip with suche faultis to mak otheris, upoun hoip of lyke impunitie, to mak no accompt to committ the lyke trespas. And thairfoir, efter you haif consultit with our Advocat, you sall aggravat to oure Counsell the haynousnes of thir crymes, and thairefter adverteis us how far thay haif come within the compas of the law, and what dew punishement the same dois appoint for suche lyke offenssis, and we sall returne to you our will and pleasour what forder we wald haif to be done heiranent. Forder, we persave that thair is not ony of these ministeris bot ar under the compas of our law for unlauchfull convocatioun at the leist, convening of our liegeis, not onlie without our licence, bot directlie aganis our command gevin to the contrarie,—whiche is directlie criminall.—Sua we bid you fairwele. From Havering in the Bour the xix of July 1605. To our trustie and weil belovit Counsellour, the Lord of Balmerinoch, our Principall Secretarie of Scotland."[1]

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Perth, Sept. 1605. Letter from the Council to his Majesty in reply to his anent the Assembly at Aberdeen.

"Pleis your most sacred Majestie :—We ressavit and hes considderit at lenth, with no small contentment, your Majesteis most worthy labouris for the confutation of that pretendit Assemblie haldin at Abirdene. The whilk as in itselff by no reasoun can be mantenit, so, when we perused these vive and trew groundis whereby your Majestie so sensiblie and succinctlie layed oppin thair erroris, and that thair doing wes establisheit by none of these warrandis whiche thay untreulie pretendit, as we haif found oureselffis the better confirmed in oure former opinioun, so by the publicatioun we haif maid of that most excellent discourse, quhairin everie man may sie the trew anatamie of a lauchfull Assemblie, and how the same most be warranted, we perswade ourselff that nouther minister nor other subject who is led by reasoun, acknowlegeis your Majesties royall authoritie, or loveis the weill and quietnes of the Kirk, bot will alluterlie condemne the said meiting, and judge the authouris and fosteraris of so presumptuous and insolent ane act worthie [of] punishement. And, albeit we could wishe this few nomber that hes attempted this enormitie to acknowlege thair errour, and that for the sclander of thair professioun the memorie of it wer abolisheit, yitt, yf it pleis your Majestie, who best knawis quhat remedyis ar fittest for suche disperat diseassis, whereof your royall Majestie hes curit verie mony, to prescryve the forme, we sall prosequute the same without respect of persone. We haif this day examined sex of the principallis that were in the Blaknes upoun these interrogatouris we ressavit frome your Majestie. Thair ansueris under thair hand we haif send to the Erll of Dunbar, to be sene at your Majesteis oportunitie. So, humblie craving to be directit by your

[1] For the important effects of this letter see *ante*, pp. 101–105, p. 109, p. 112, pp. 113–115.

Majestie in thir affairis speciallie of the Kirk,—the peace wherof hes onlie lyffe frome your Majesties princelie cair,—as we shall imploy oure waik endevoiris to follow furth the same to your Majesties contentment, we wishe your most sacred Majestie in all felicitie a lang and prosperous regnne."[1] Royal Letters, 1604–1612.

Edinburgh, Nov. 1605. Letter from the Privy Council to his Majesty anent the discovery of the Gunpowder Treason.

"Pleis your most sacred Majestie :—Sen the glaid tydingis come to us of your Majesteis happy deliverie frome the abhominable conspiracie so inhumanelie contryved by the devill and his suppostis aganis your royall persone, the Quene, your Majesties childrene, and strenth of that State, we used the diligence become us to mak the same knawne to all your Majesties goode subjectis of this your native and ancient kingdome. In whome we have found, from the heyest to the lawest, and in all qualiteis of personis, suche ane emulatioun who mycht show himselff most devotious in prasing God for that inestimable blissing, and most cheirfull in his outward exultatioun to manifest everie way that exceding joy that all goode subjectis aucht to haif for the saulftie of thair most dreade Soverane. And, least we, in whome your Majestie is gratiouslie pleasit to repose the truist of your service heir, sould ather wrong the rest of your weill affectit subjectis in not testifeing to your Majestie thair exceiding glaidnes, or neglect our dewtie to congratulate, with our most cirnest wishes for your Majesties evirlasting happynes, the inspekeable mercy of God in that miraculous delyverie, we have presomed by these presentis humblie to offer to your princelie consideratioun that whiche in the middis of our joy gaif us greatest mater to think upoun. First, the mony blissingis we haif enjoyed by your most just and happy governament ; nixt, the desolatioun sould have ensewit yf Godis infinite mercye had not prevented the evill day ; last, the feir that still possessis oure hairtis yf the ground of so pernitious a plott be not ryped oute to the quick and suirlie extinguished. In these difficulteis we wer conforted with this assuirance, that that omnipotent God, who evir frome your Majesties conceptioun hes evir wounderfullie with his richt hand protectit you, and hes maid your Majestie, in dispyte of the devill and all your enemeyis, the corner stone of his kingdome in this earth,—howsoevir our neglect of dewytie outher to God or your Majestie hes deservit the contrarie,—will still keepe and defend your royall persone and posteritie, to the glorie of his Kirk and conforte of all your subjectis. We ar lykewayes assured that your Majestie laikis not aboute you wyse, valiant, and Page 21.

[1] See, in connexion with this letter the entries *ante* cited in last footnote. The "most excellent discourse" which the letter refers to as having been received by the Council from his Majesty, and as having been published by the Council, with admiration of such an exposition of "the trew anatamie of a lauchfull Assemblie," and of the "vive and trew groundis" of his Majesty's procedure against the attempted Assembly at Aberdeen, is evidently that little essay from his Majesty's own pen which was reprinted in the *Declaration of the Just Causes of his Majesties Proceiding*, &c., drawn up by his Majesty's subsequent direction, and published in pamphlet form in April 1606. See *ante*, pp. 189–202, with footnotes, and more particularly pp. 193–196. The present letter fixes the date of the receipt of that essay by the Council, and of its first publication.

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faithfull ministeris and subjectis of all degreis who resentis with us thair awne misereyis in your Majesties overthraw, and who (yf your Majesties too greate clemencie, whiche we wald, yf we durst, terme *proposterous*, wer not a hinderance to thair procedingis both in the tryale and punishement of so barbarous and inhuman a parricide) wald leave nothing undone that micht detect and avenge the same. And thairfoir, since thair is nothing resting to us bot oure eirnist and hairty prayeris for wisdome to your Majestie in proportioun ansuerable to this tyme, and to attend and execute to oure pouer your Majesties royall commandimentis, onlie we ar bauld to assuir your Majestie that mony thowsandis ar heir who sorrowis that by the sacrifice of thair lyveis [they] may not attene to that felicitie to haif a parte in the trying and avengeing of so cruell and detestable a fact. And, yf it sall pleis your Majestie at ony tyme to mak use of thair service, as in your Majesteis greatair wisdome you sall find convenient, thay will not weyrie to spend thair lyveis and whatsoevir is most deare unto thame in the performance of your Majesties gratious pleasour. Thairfoir we ar bold, oute of oure bundin cair for the tender preservatioun of your most sacred Majestie, in whose saulftie standis the lyffe and wele of all your subjectis, humelie to requeist your Majestie curiouslie to researche and seveirlie punishe, but respect of personis, whomesoevir can be detectit to haif in ony sorte bene of this moir then barbarous conspiracye, that nather qualitie nor professioun, allyance nor kinred, exeme thame ; and, sen pitie can not assuir your Majesties innocencye, latt justice prolong your dayis, that, we having daylie mater to prais God and rejose in your welfair, the devill and all his suppostis may think thair labouris all vayne aganis him whose persone is gairdit by the Most Heich, and estate mantenit by the enteir and loyal affectioun of sa mony worthie subjectis as the Greate Britane conteyneth. Thus, humelie craving your Majesties pardoun of this oure presumptioun, we wishe your sacred Majestie ane long and happy reignne under the faderly protectioun of the Almichtie in this lyfe, and lyfe eternall."[1]

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" Richt trustie and weil belovit cosines and counsellouris, we greete you weill :—Upoun that lait appeirance of the breache of our peace within these boundis of the lait Bordouris, understanding from you how you had stayed the nobilmen and utheris of greatest accompt that had borne ony charge at ony tyme within these boundis frome comeing up to oure Court at this tyme, so have we directit this beirair, the Lord of Roxburgh, according to your particulair desire, that by his advise he may assist you in the establisheing of such ordour for keeping of those boundis in deutifull obedyence that sufficient provisioun may be maid that the inhabitantis thairof sall nevir revert to thair former bad cariage and evill customes. Wherin we hald these particulair actis, constitutionis, and bandis whilkis for the suirtie of the peace of that cuntrey haif bene formarlie made,—suche as the making the chief of the clan and surename

Whitehall, 6th Jan. 1606. Letter from his Majesty to the Council anent the Borders.

[1] For entries relative to the Gunpowder Plot in the *Acta* of the Council see Index.

ansuerable, lykewayes the generall band, with suche other provisionis as the necessitie of tyme then affordit,—ar noway meete to be continewit; thay savouring altogidder of barbarisme, and the nar confining of ane continent cuntrey under the governament of ane severall monarche at that tyme being the occasioun that the hoip of eschaip frome punishement emboldinit the evill disposit to offend, and causit the moir tollerable lawis to be sett doun not directlie in that whiche wes absolutelie best bot for that whiche wes lest evill. Wheras now, by the happie conjunctioun in oure persone of boith the kingdomes, the caus of these thingis being removit, thair aucht no langer continuance be of those former customes, bot, of ony parte of our dominionis whatsoevir, those which formarlie wer the Marcheis of ather kingdome, being now become the mid center of the hole Yland under our impyre, sould of all reasoun be subject to obedyence. And, as now all meanis of eschape is removit frome offendouris, so our will is that you gif expres command and directioun to our commissionaris upoun that syde that, upoun thair séveir and rigourous proceding aganis all suche as salbe tryed to continew thair auld wounted trade, the hoip of impunitie (the very fosterair of dissobedyence) may be removit. And herewith, as the beirair hes declairit unto us his willingnes and gude affectioun to oure service, so haif we willed him, at his presenting him befoir you, and in his obedyence to the directioun and commandis of you oure Counsell thair, to gif ane prooffe and testimonie thairof, having assuirit him that we will respect him accordinglie. And sua we bid you richt hairtelie fairwele.—To our right trusty and weil belovit cosines and councellouris, the Erll of Dunfermling, our Chanceller, and remanent Lordis and utheris of oure Prevey Counsale in oure kingdome of Scotland."[1] Royal Letters, 1604–1612.

Holyroodhouse Palace, Jan. 1606. Letter from Secretary Balmerino to his Majesty, narrating the proceedings and results of the trial of six of the warded ministers by an assize at Linlithgow on a charge of treason for their previous *declinator* of the jurisdiction of the Council in the matter of the Aberdeen Assembly.

"Pleis your sacred Majestie:—The dyet appointit at Lynlythqu the nynt of this instant for arreyning the ministeris who proponit the declinatour wes solemnelie keipit be sa mony of the Counsell as wer requirit to be thair; who wer all chosin to be suche as for the most pairt wer knowne to best affect thair professioun,—to witt, the Erllis of Montrois, Dunfermling, Mar, Lynlythqu, Dunbar, Lordis Glammis, Elphinstoun, Neubottle, Abircorne, Scone, Prior of Blantyr, Quhittinghame, Collector, Prevey Seale, Sir Robert Melvill, eldair, Justice Clerk, Kilsyith, Advocat, and myselff. It wes not thoght necessar till arreyne at that dyet ony ma nor the sex that wer in the Blaknes, partlie for eschewing oure grite brute of the actioun, and als becaus Mr Johnne Forbes and Mr Johnne Welshe, who wer the strongest pillaris of that disordour, wer boith thair. The indignitie of thair fact and insolent contempt being dilaited to the Counsell, and with quhat lenitie that recipiscence had bene soght, to your Majesties discontentment and thair greatair pryde, it wes showne be the Chanceller that, conforme to your Majesteis directioun, thay behuifit to have thair tryale, and that, to see the same indifferentlie done, boith himself and Page 26. Page 27.

[1] Connect with Border Entries by Index.

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thay all sould be assessouris to the Justice, and that for that end he had send for thame. In the meantyme, the Gaird haveing broght thame frome the Blaknes to your Majesties pallace of Lynlythqw, wher a rowme wes prepairit to keepe thame cloise whill in the tolbuith all thingis requisite for that actioun were preparit, thay had provydit Mr Thomas Craig, Mr Williame Oliphant, Mr Thomas Hoip, and Mr Thomas Gray to procure for thame; bot the first tua, haveing understoode your Majesties favourable pleasoure upoun thair acknowlegeing of thair offence and passing frome the declinatour to extend your Majesties wounted clemencie towardis thame, and finding thame obstinat nochtwithstanding ony remonstrances thay could mak to thame, refuised thame thair patrocinye, and so thay wer left to be defendit by the other two. Thay had a greate many of thair brethrene permitted to come unto thame, upoun hoip gevin to the Counsell that thay wald induce thame to satisfie your Majestie rather then to undirgo the event of that tryale,—suche as Maisters Andro Melvill, James Melvill, Johnne Carmichael, Williame Scot, Patrik Simsoun, Archibald Simsoun, Michael Cranstoun. Bot, uphaldin by quhat vane confidence I know not, thay still persisted wilfull, becaus thay wald not haif your Majestie to be a fals propheitt, who had sa oft foirspokin of thame that thay wald rather putt thameselffis to ane extremitie in mantening a fals positioun aganis your Majestie then by confessing thair offence settle thameselffis in quietnes. The brethrene desirit some of the Counsell to be permitted to confer with thame whose authoritie wes thoght to be greatest amang thame,—whiche wes also grantit: such as my Lord Neubottle, Blantyr, Quhittinghame, Collector. Who had no other ansuer bot, yf it micht pleise the Counsell to grant thame a reasounable tyme quhairin thay micht confer with all the presbetryis and purches thair approbatioun, thay wald glaidlie yeald. Wherupoun the Counsell went all with the Justice to the tolbuith. The pannell being broght in by the Gaird, and thair proloquutouris abonenameit permittit to procure for thame, that thair malice micht be the mair notour to all the heiraris, the Justice declairit your Majesteis gratious dispositioun that, —nochtwithstanding that contempt, and divers offenssis added every one to another, whiche in end had broght thame, nochtwithstanding the Counsellis lang sufferance, to that extremitie, to undirgo the censure of treasoun,—yf thay wald acknowlege thair offence, renunce thair declinatour, and crave your Majesties humble pardoun, that all rigour of proceding aganis thame sould suo cease till your Majesteis pleasour wer knowne; adding thairunto that he and the haill Counsell present wald interpone thair eirnist sute for thame at your Majesties hand, whairof thay doubtit nothing to ressave a gratious ansuer. Bot thay altogidder refuisit, affermeing that thay wer reddy to yeald thair lyveis in that caus yf so it had pleasit thair God to dispose of thame. So the Justice commandit the dittay to be red; whiche, with the haill proces extractit at lenth, I haif heirwith send unto your Majestie. I think, when your Majestie sall considder the qualiteis of the assessouris

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before nameit, and the personis that past upoun the assise, thair wes nevir a criminall proces in this kingdome aganis ony persone of that rank so honnourablie and equitablie caryit. Wherin yf these upoun whome your Majestie repoisis the trust of your service heir had ony difficultie God knowis; and oft thay wished, yf so it micht haif bene with your Majesteis goode pleasour, that your Majestie myght haif sene the innumerable straitis wherunto thay wer drawne. And, to dissemble nothing, yf the Erll of Dunbar had not bene with us, and, pairtlie by his dextertie in advyseing what wes fittest to be done in everie thing, and pairtlie by the authoritie he had ouer his freindis, of whome a greate many past upoun the assise, and pairtlie for that some stood [? in] aw of his presence, knawing that he wald mak fidell relatioun to your Majestie of every manis parte, the turne had not framed so wele as, blissit be God, it hes,—so as, I think, the decreit of the Counsell repelling the declinatour and finding thamselffis judgeis and the verdite of treasoun gevin oute be the assise upoun the Act of Parliament aganis the proponnaris of the declinatour (pointis evir haldin by thame as contravertit) sall so in tyme comeing abait thair pryde as we sall heir les of thair insolence. We will expect by the nixt your Majesteis pleasour towardis thame that ar convict; of whome foure ar returnit to the Blaknes to cloise warde as condemnit personis. And, becaus thair wes not sufficient roume thair to keipe thame all efter that maner, Mr Johnne Welshe and Mr Johnne Forbes ar sent to Huntingtour, whair the Lord of Scone hes gevin ordour for thair strait keiping. For the rest that remanis in other wardis, under his Majesteis gratious favour, becaus the Counsell wald fane eshew ony suche busynes without some new occasioun, yf your Majestie could be pleasit that thay sould be broght befoir the Counsell, and, so mony as wald pas fra the declinatour and crave your Majesties pardoun, that thay sould be remittit home to keepe warde in thair awne parrocheis, and suche as persistis wilfull to ordane thame to be baneist your Majesteis dominionis within the space of tuentie dayis, it wald appeir to be the best course to bring thir fasheous broills to ane end. Bot, in that and everie other thing, thay expect your Majesteis determinatioun; whiche, at thair uttermost pouer, thay ar reddy to accomplishe. This, by directioun of the Counsell, haveing presumed to importune your Majestie. Remitting mony circomestanceis to the faithfull reporte of the Erll of Dunbar, who hes had no litill parte in this and all utheris your Majesteis affairis heir, to our very great conforte and goode of your service, I humblie crave your Majestie pardoun, with my eirnist prayeris for your Majesteis lang and happy reignne, with eternall felicitie.[1]

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Whitehall, 22nd Jan. 1606. Letter from his Majesty to the Council anent the six ministers convicted

"Richt trustie and weil belovit cosines and councellouris, we greete you wele:—Efter the repeiting agane of oure hairtie thankis unto you for your

[1] Compare this account by Secretary Balmerino of the arraignment and trial of the six ministers at Linlithgow with the account already given, *ante* pp. 163–166, footnote, where some specially significant sentences from this account are incorporated.

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most resolute, discrete, and diligent behaviour in your cariage anent the convictioun of these contemptuous and rebellious ministeris, we haif now thoght gude, for putting ane conclusioun and end to this unpleasant vexatioun of yours in our service, to sett you doun in these presentis our cleir mynd and resolutioun, wherby you may governe yourselffis in the satling and determining of this fasheous proces. of high treason, with instructions to the Council (1) to prepare for the press a Declaration of the causes and course of his Majesty's proceedings hitherto in the whole business of the Aberdeen Assembly, (2) to bring the other eight ministers, now in ward for the offence for which the six have been convicted, to similar trial and conviction as soon as possible.

Upoun two pointis you expect oure ansuer and resolutioun: first, anent the forder proceding with the personis alreddy convicted, and nixt quhat ordour salbe takin with thair other brethrene that ar in al circomestanceis of guiltie in the lyke cais with thameselffis.

As for the personis alreddy convicted, oure will is that, as you, our Secretarye, have alreddy acquented us with the ordour gevin for thair strait imprisonment, that so the same may be putt in dew executioun,— to witt that thay may be imprisouned in divers rowmes, every one single

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be himselff, without acces of ony creature bot thair keiparis unto thame, and all suche circomestances of straitnes used unto thame as is usuall for condampnit personis, laying on of yrnis onlie excepted.

Bot, becaus oure meaning and intentioun ever wes, and still is, rather to salve the soir of that erronious and seditious opinioun of the denyall of oure authoritie regall then to use ony rigour upoun the personis of the offendouris yf thay micht ony way be reduceit to the acknowlegement of thair offence, and, with the ancient Christeane Church, rather to anathematize and ruite oute the heresey then to destroy the persone of the heretyke, we haif heirfoir thoght goode that yee, oure Secretarie, sould putt in frayme a shorte Declaratour of oure intentioun and course of proceding in this busynes, setting doun thairin alswele thair first contemptuus conventicle (thoght by thame callit ane Assembley), as also thair inexcusable contempt and dissobedience thairin, boith to oure awne chargeis and to oure Counsellis letters and admonitionis, and so frome the begynning discourseing and discovering all the pointis of thair obstinacie, opponed to oure gentle and patient proceding with thame. Who, as we nevir did refuse the ministerie frome the keiping of ane General Assembley, so wer we evir reddy to caus the same be keipit in dew tyme and place, as oure awne schorte Declaratour, maid by oure awneselff and sent you frome oure hunting progres the last yeare, doeth moir largelie beir witnes,—whiche we wald lykewayes have you to repeate in the said treatise; lyke as, for forder convictioun of thair obstinacie, we have laitlie causit a Generall Assemblie to be proclamed, as is notour to all men. And thairfoir this point which is now in questioun may be so explaned thairin as it may be richtlie understoode be all men: no questioun being now in hand anent the lauchfulnes and unlauchfulnes of ane Generall Assembley, nor yitt what is the pouer and limittis thairof; bot onlie, oure authoritie having bene most heichlie contemned by thair keeping of such ane baise and unlauchfull conventicle to the manifest disobedience and breache of oure chargeis and prohibitionis in the contrair, the questioun now is quhidder we may not be competent judge to these thair rebellious proced-

ingis, joyned with thair declinatour of our judicatour in that caise. And in the said treatise or declaratour it may be clearly maid manifest to the world how far this questioun differris frome dipping,—ony way how far ane King and Counsell may cognosce and determine upoun caussis meir spirituall and belonging to the essence of Godis worshipp,—since in this caise thair is nothing by you medlit into bot the judgeing and punishement of ane insolent ryott directly dissobeying oure commandimentis. As lykwayes the doubt upoun the interpretatioun of the Act of Parliament will thairin be cleirit. For the subsequent Act interpreting the former is so far frome dirogatioun to the other as by the interpretatioun thairof it dois directlie conferme it. For, first, when it onlie exceptis materis meir spirituall and of the essence of Godis worshipp, it dois thairby sufficientlie include all other thingis to be conteyned under the meaning of the former Act; and that this caise has no vicinitie with ony mater meir spirituall is alreddy declairit. And, nixt, quhat goode subject dar anes presome to think that, becaus in the laitir Act we did interprete our meaning in the former not to haif bene to haif assumed unto oureselff ony suche papall and absolute pouer over the Worde and worshipp of God —the authoritie whereof as it dependis upoun no fleshe, so aucht no personis mortall whatsoevir medle with the change and alteratioun thairof, and that thairby we onlie meanit is evident by the wordis 'of meir spirituall and essential worschip of God' contenit in the said Act: quho dar (we say) upoun this so shameleslie and untrewlie subsome as yf by these wordis we did also include ather a resigning of that pouer onlie belonging to God in the handis of ony Assembley, or much les that ather the policie of the Church or indifferent materis, and least of all ony libertie for thame to do in materis of tyme and place at thair appetyte, could ever be meanit: thairby making us by that laitar Act to mak ane resignatioun as it wer of oure royall prerogative and authoritie frome us and ouris in the handis of the Generall Assembley? And thairfoir in the preamble of this Declaratour it wald be showne that, becaus we wer informed that greate questioun and disputatioun wes made befoir judgis upoun the interpretatioun of this Act, although in end thay did most deutifullie conclude, we thairfoir thoght goode, for cleiring and purgeing of all our peoplis hairtis frome ony suche doubtis in tyme comeing, alswele to sett doun the trew narratioun of this hole proces as alsua the trew interpretatioun of oure meaning in the saidis Actis of Parliament; since to us, as to the supreame judge under God and maker of the law, doeth belong the interpretatioun of oure awne deid. And it wald also be sett doun, in the conclusion and end of the said Declaratour, that, as this is publisheit for the satisfactioun and trew informatioun of all goode subjectis, so we do straitlie and under all hiest pane command and injoyne that no subject, of quhatsomevir rank, qualitie, or professioun, tak upoun him, ather in publict or privat, to murmure or call in questioun in ony sort this oure prerogative and authoritie royall, with certificatioun that the contravenaris thairof shall be reallie punisheit in

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the qualitie of seditious personis and wilfull contemnaris of oure just and lauchfull governament.

How sone this Declaratour can be maid reddy, it wilbe fitt that not onlie it be prented and publictie dispersed, bot lykewayes that it be putt in the handis als wele of the saidis convictit personis as of thair brethrene that ar guiltie of the same cryme.

As to thair other brethrene that ar not yitt convictit, it is absolutelie oure will that with all convenient speede thay be putt to the lyke tryale; for by no reasoun in justice or equitie can thair be ane divisioun maid betuix thame als long as thair concurrence boith in guylt and obstinacie pretendis thame to be one body. Bot, this Declaratour being first publissed, togidder with the preceding convictioun of thair fellowis, can not bot in oure opinioun remove all difficultie of thair convictioun,—especialie more warye electioun being maid of the nixt assisouris then wes of the former. For nouther very curious, fantasticall, nor too simple personis are fitt to be assisouris; and, on the other parte, thair can be no partialitie attributit for making ane cairfull electioun of the nixt assisouris for making all things the surar, in regaird that the former president hes alreddy decydit the questioun. And, in case the strait imprisonement of these convictit personis, the publisheing of this Declaratour, and the convictioun of thair crimmall fellowis can ony way haif that operatioun whiche we wald hairtelie wishe in humbling the proude stomakis of these alreddy convicted, then, upoun your acquenting us thairwith, we sall signifie our forder pleasour concerning thame. In the meantyme you may gif oute to the world that thair dome and forder punishement is onlie delayit unto the convictioun of thair fellowis who are alyke guiltie with thame; and, upoun oure being acquented with the convictioun of the rest, the publisheing of this Declaratour, and quhat operatioun we sall find these thingis sall worke upoune the partyis thameselffis, we sall then send ane warrand according to the forme to the judge, contening the declaratour of our will anent thair doome, whiche untill then mon be reserved as *arcanum imperii.*

And so, wishing you all goode succes in the conclusioun and happy end of this busynes, as your faithfull diligence hes been coupled with ane goode fortoun in your proceding thairin till now, we bid you hairtlie fairwele."[1]

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"Pleis your sacred Majestie:—We ressavit your Majesteis letter of the 22nd the 26th of this instant. Wheras your Majestie is gratiouslie pleasit to gif us thankis for oure resolute and diligent behaviour in your Majesteis service, it is moir then we ar able to deserve that your Majestie

Edinburgh, Jan. 1606. Letter from the Council to his Majesty in reply to his Majesty's last, (1) promising to do their diligence in preparing the pamphlet ordered by his Majesty,

[1] This is one of the most important letters in the whole collection, and certainly one of the most characteristic of King James's. Note in especial the instructions given for the preparation of a pamphlet for the information of the Scottish lieges on the great battle then being fought between the King and the Presbyterian clergy; and connect this portion of the letter and the rest with pp. 163–166, footnote, and pp. 189–202, with footnotes.

(2) remonstrating earnestly against his resolution to have the eight other ministers brought to trial for high treason, and declining the task as hopeless after their experience of the difficulties of the late trial, and in the present state of the public mind on the subject

sould do so muche as to think wele of oure unproffitable service, wherein thair is no thing on oure parte bot loyall affectioun to performe whatsomevir we can for your Majesties obedyence. Nevirtheles, your Majesteis gratious acceptance doeth encourage us the moir, and we sall at our uttermost power continew in all things that may yeald your Majestie satisfactioun in the placeis concredited unto us. Your Majesteis commandiment anent the strait keeping of these of the ministerie that are convicted salbe so far performed as commoditie of roumes may be had for thair firmance; and that Declaratioun wherof your Majestie hes so cleirlie and panefullie sett down informatioun boith in this letter and that other frome Rokingham Castell, it salbe drawne up with suche speede as your Majesteis Secretarie can, considering the throng of the Sessioun efter sa lang vacance, and sent to your Majestie to be reformed. Bot, wheras your Majesteis pleasour is that the remanent wardit ministers salbe impanneld, we humelie crave your Majesteis pardoun that we may imparte unto your Heynes oure advise thairanent, whiche we alwayes submitt to your Majesteis royall censure. We considder your Majesteis princelie clemencie, evir used principallie towardis that professioune, and how unwillinglie your Heynes hes enterit in ony contestatioun with thame, except so far as it wes necessair that your princelie prerogative sould be keepit inviolable. Following your royall futesteppis in the haill proceding of this contentioun, we have alwayes preissit till eshew ydill busynes, and to bring the mater till these pointis wherin we micht haif cleir decisionis authorising your royall prerogative. Conforme thairto, we repellit thair declinatour, and thairby established your Counsellis authoritie and jurisdictioun over thame,—a point contraverted evir be thame and nevir befoir decernit. Nixt, by arreyning thame at Lynlythgow and thair convictioun following thairupoun, the Act of Parliament of the 1584, ever repute be thame apocripha, at the least limitat by the posterior Act of the 1592, is authorised by suche a solemn verdite as no subject dar come in the contrarie. In which boith with quhat difficultie and discontentment of your Majesteis subjectis of all degreis we have effected your Majesty service we wish that your Majesty cleirlie understoode; and, since the example is past upoun the principall actoris boith in the pretendit Assemblie and in the declinatour, and the rest of thame that ar behind being bot simple followaris, the renewing of ane pannell unnecessarlie againis thame first renewis the discontentment of the people, and, nixt, will haif greatair difficultie nor your Majestie is war of. For, had all that wer of the Counsell thair knowne the earand, some had bene absent; and, had not some kyithed thameselffis forder nor become the modestie of judgeis, thair had bene greatair contradictioun. And, as for the jurye, thay that were upoun the last findis thameselffis sa mony wayes interessed by commoun and particulair exclamationis and outcrying of the people that hardlie will thay assay it again; and, althoght thay wald, it sould incres the sclander that thay were keepit as a company of led men to pas upoun ministeris juryis, and so be a scandell to your Majesteis

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judgement and our lauchfull procedings. Nather will a new jurye be bound to that whiche wes done in the formair proces,—seing thair awne knowlege and conscience mon leade them; and, yf thay sould temeariouslie proceid contrarie to that whiche hes bene formarlie done, then is broght in the questioun without ony necessity that whiche is now in all menis opinionis certane, and in thir materis with the ministerie the best sentence of your Majestie that evir wes given be ony judge in this cuntrey. And that same jurie went so incertanelie as all your best affectit servandis were in despair of thair convictioun, it passing upon sax and seven. There is mony argumentis were langsome to wryte, whiche yf your Majestie wer present mycht by sicht of the commoun dispositioun of all men, and heiring frequent reportis that gois abroade, induct your Majestie to think this oure opinioun to be no les for the goode of your Majesteis obedyence, quietnes of the cuntrey, and setling of this unproffitable busynes nor a moir violent course, whairof the event wilbe uncertane, and we disabled to do your Majesteis service. And, howevir otheris will confidentlie gif oute thair boldnes to performe everie thing, we think thair is none hes better caus to serve then we, nor sal be found better willed, althoght in the just confessioun of our awne waiknes we mon crave pardoun yf thair be mony abiller and moir experimented then we. Bot, since the charge of your Majesteis service lyis upoun us and we may heirefter be reputed ather foollis in not foirseeing, or betrayeris of your Majestie, and so not worthie of the truist reposed in us, in not laying treulie before your Majestie the estate of your cuntrey, we mon, evin with the

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hasaird of oure credit, whiche is deirar to us then oure lyffe, certifie your Majestie that we find this fyre kendlit amangs a few nomber so overspredding all the hole cuntrey that, except wyislie it be prevented, greatair inconvenientis will follow. That whiche is done hes established your Majesteis jurisdictioun and overthrowne thair pryde; and, yf it be wyslie followit furth, your Counsell salbe ansuerable to manteyne the same. Bot, yf by unecessarie violence menis humouris, whiche hes bene so lang possest with Puritanisme, be increased, and, by preposterous pitie of that gratious name of religioun, how falslie soevir usurped by all that soirt of people, the greatest power of everie estate be drawne to that pairtye, althoght we doubt not bot your Majesteis wisdome and greatnes, the affectioun and strenth of your subjectis, will with tyme obtene the upper hand, yitt we leave to your Majesteis cair, wisdome, and dexteritie in preventing and satling such perturbationis to resolve yf it be necessarie at this tyme by violence to inforce that whiche we wilbe ansuerable to effect, to your Majesteis contentment, in caise, as to faithfull and honest councellouris, your Majestie will concredite the managing of the same to us. We haif in rigour (the lyke wherof wes nevir done) convicted of treasoun the principall workairs of this busynes, and hes left mercy to your Majestie, to be dispensit in some measur as your Majestie salbe gratiouslie disposed to yeald the same. The rest that ar in the lyke guiltynes ar by all men repute to be in the same conditioun, and that mercy thay ressave

frome your Majestie wilbe no les extolled in thair personis nor the otheris. The terrour of this convictioun will hing abone the headis of all that professioun to kepe thame in obedyence. This oure opinioun, flowing frome oure enteir affectioun to haif your Majestie in all your courseis reverenced and loved of your subjectis, and ourselffis enabilled to do whatevir it will please your Majestie command, we humelie submit to your royall censure, remitting the haill circomstanceis and difficulteis of this service, and the dispositioun of the cuntrey and what is liklie to ensew of it, to be by your Majestie moir cleirlie understoode by the reporte of suche of the Counsell as will haif that honnour to be with your Majestie before this Parliament for the necessitie of your Majesteis service. Thus humelie craving pardoun of our importunitie, we wishe your Majestie, efter a lang and happy regnne, eternall felicitie."[1] Royal Letters, 1604-1612.

Edinburgh, 4th March 1606. Letter from the Council to his Majesty anent reduction of the number of Commissioners over the Middle Shires: recommending that there should be a single Chief Commissioner for both Kingdoms, and that he should be the Earl of Dunbar.

"Most sacred Soveraine:—As in all your Majesteis royall directionis and commandimentis the successis thairof fra tyme to tyme hes testifeit that unspeakable wisdome and princelie knowledge wherewith it hes pleasit God to blisse your Majestie, so in that directioun gevin be your sacred Majestie anent the nominatioun of Commissionaris for the lait Bordouris, whilkis now by Godis providence ar become the hairt and middis of this Island, thair hes procedit a wounderfull goode succes, in sa fer as the verie memorie and rememberance of oppin ryding and robreis is become odious and detestable in thay boundis; wherein the Commissionaris hes omittit nothing that to thair dewitie and charge apperteyneth. And now, the cuntrey being reasounable weill quieted, and the nomber of Commissionaris being sa greate, and thair commissioun astricting thame in everie particulair point of service to be three togidder at the least, without the whiche nomber it is not lauchfull for thame to do the smallest dewitie of that service, it very oft fallis oute, pairtlie by seiknes of some of the Commissionaris and otheris necessair impedimentis, that thair ordinarie meitingis, and consequentlie the punishment and redres following thairfra, ar not sua frequent and commoun as the necessitie of the service requireth. Wherof we having tane consideratioun, and remembering thairwithall that the unnecessair keeping of suche a nomber of Commissionaris is very chargeable to your sacred Majestie, we think that the service may be als weill effectuat, with lesse chargeis to your Majestie and greatair benefeit to the cuntrey, be tua Commissionaris onlie for ather syde: who, being [authorised with conjunct and severall Page 38. Page 39.

[1] This also is an extremely important letter. It was evidently wrung from the Council by a sense of the utter desperateness of the task which his Majesty desired to impose upon them, and is an almost solitary example of a courageous opposition on their part to any of his resolutions. That the bold remonstrance was effective appears from the fact that we hear no more of the proposal to bring the other eight ministers who had signed the *declinator* of October 1605 to trial for treason on that account. The King had to be satisfied with the conviction on that account of the six already tried, leaving the other eight in ward as less capital criminals. See *ante*, pp. 163-166, footnote, and p. 189, footnote. The light thrown back by the letter on the difficulties of the Council in the trial of the already convicted six is peculiarly interesting.

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authoritie and commissioun and assisted be your Majesteis Counsell, will be able aneuch to do that service. And, seing the mater of the Unioun is now in hand, we think it lykewayes very meete, for the better confirmatioun thairof, that some Nobleman haveing alyke authoritie, previlege, and conditioun in both kingdomes salbe preferrit be your Majestie to have the principall charge of this busynes, with authoritie to convene and direct the Commissionaris as he shall think goode; and we find none so meete as the Erll of Dumbar, aganis whome no exceptioun can be takin be ony of the kingdomes. For, as he is a naturall borne Scottisman, so is he by Act of Parliament naturalized and maid a free dennisen of England, haveing the most part of his possessionis, rentis, and leving in England; and we ar certane that in this your Majesteis service he will be indifferentlie disposit towardis boith. It is neidles for us to repeate unto your sacred Majestie the goode qualityis of that man, and with quhat sinceritie and dexteritie be prosequuttis all your Heynes commandimentis; and we persuade ourselffis that in all your Majesteis

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dominionis none salbe found so meete for this servise as he.[1] We have writtin something to your Majesteis Counsell thair anent the reduceing of the nomber of the Commissionaris to two for everie syde; the copie of the which letter we have send to Mr Alexander Hay[2] to be showne to your Majestie, remitting to your sacred Majesteis judgement to caus delyver or conceale the same, as your Heynes sall think goode. Bot anent the nominatioun of a Nobleman who sall have the principall of the haill service we haif writtin nothing, but reservis that to your Majesteis princelie consideratioun,—that, yf it sall pleis your Majestie to approve and allow of this oure overtur, your Heynes may thairefter by your awne unspeakable wisdome so handle that mater with your Counsell as by thame the burdyne of this haill service may be layed upoun the Erll of Dunbar. And sua, craving pardoun of your Majestie for oure presumptioun to prescryve reulis to your Heynes, whome God hes sua aboundantlie furneist with all stoir of princelie wisdome, we most humelie tak oure leave, praying God to grant unto your Majestie a lang, happy, and prosperous reignne."

Edinburgh, 4th March 1606. Letter from the Council of Scotland to that of England anent the Commissioners over the Middle Shires.

"After oure verie hairtlie commendationis to your honnourable goode Lordshipis:—Whereas in a conference had with some of your Lordshipis it wes accordit by mutual consent that fyve Commissionaris sould be appointit for ather kingdome to haif the charge and governament of the late Bordouris, whilkis now, by Godis providence and the happy Unioun of the two kingdomes, ar become the haill and middis of boith, wherby the inhabitantis thairof micht be reduceit to uniformitie and obedyence, and the rememberance and continewance of the former insolenceis, whilkis wer so frequent in these boundis, micht be aboleisheit, we, according to the instructionis gevin be his sacred Majestie to our Commissionaris, have monethlie sensyne tane ane accompt of thair procedingis, and by thame

[1] See *ante*, by Index, under *Dunbar*.

[2] Mr Alexander Hay was the Scottish Secretary resident at the English Court.

alsua we haif had some licht and informatioun of the behaviour and procedingis of thair oppositis. In all whome we find nothing bot a verie duetifull cariage and behaviour; yitt, seeing we ar moir ewest and neir unto thame nor your Lordshipis, and thairby hes moir frequent and better occasionis to consider quhat is fittest and most expedyent for the wele of that service, we find that, in respect of the present conditioun of the cuntrey, the service may be effectuat with lesse chargeis to his Majestie and greatar benefite to the cuntrey with tua Commissionaris onlie for ather syde, authorised with conjunct and severall commissioun and jurisdictioun,—becaus, thair first commissioun astricting thame in every particulair point of service to be three togidder at the least, without the whiche nomber it is not lauchfull for thame to do the smallest dewitie of that service, it fallis very oft oute, pairtlie by seiknes of some of the Commissionaris and otheris necessair impedimentis, that thair meetingis cannot be so frequent as the necessitie of the service requireth; wherby the redres of complenaris and punisheing of malefactouris is sometyme protracted [and] delayit. Wherof we have thoght mete to make your Lordshipis acquented, remitting alwayes to your Lordshipis grave considerationis to gif ordour and directioun in this mater as your Lordships shall think most expedyent. Sua we committ your Lordshipis to God.—To oure very honnourable goode Lordis, the Lordis of his Majesteis most honnourable Prevey Counsell of England."

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Whitehall, 24th March 1606. Letter from the King in favour of Sir Bevis Bilmure, in the matter of the mines.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—Whereas we haif granted to oure lovitt Sir Bewes Bilmure, knight, ane lease of all our mynes of gold and silver within that oure kingdome for the space of fyve yeiris, to be wroght at his coist and chargeis, he payand unto us during that space the saxt parte of all gold, silver, and eure of ony of those mettallis that salbe found in ony of these mynes: thairfoir oure pleasour and will is that the said Sir Bewes his signatur, alreddy signed and past by us, may be subscryved and exped by you, sua that the same may haif passage through oure seallis for the said Sir Bewis his greatair securitie of his grant. And so we bid you hairtelie fairwele. —To our trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and utheris of our Prevey Counsell of that our kingdome of Scotland." [1]

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Whitehall, 8th April 1606. Letter from the King to the Council respecting the robes which the Scottish Earls are to wear in Parliament.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Quhairas we ar certifyed of the intentioun of the Erllis of that oure kingdome agane the nixt sessionis of Parliament thair to weare thair robis of crimosine velvitt. Wherof we mervell muche; for, yf thay do follow the custome of other cuntreyis, thay committ ane leude error in doing thairof: for velvett robbis ar nevir at ony tyme worne by ony Erllis except at coronationis, creationis, and suche publict solempniteis as the first entrie of ony Prince to his cheif and principall citie of ony king-

[1] See *ante*, by Index, under *Bilmure* and *Mines*.

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dome, and in tyme of Parliament the saids Erllis weiris nothing in thair robis bot scarlett cloathe, distinguished for the severall degreis of honnour in the copis or hoodis of the same by sa mony severall gairis of quhyte furringis drawne athorte the same, and thair ar none in tyme of Parliament that usuallie wearis robis of crimosine velvett except the Prince awne childrene, and the same is a particulair distinctioun betuix thame and the nobilitie. And thairfoir we thoght meete to certifie you heirof, that you caus the Erllis of that our kingdome leave thair former resolutioun, whiche hes procedit of thair ignorance of these thingis, and that thay prepair thameselfis of scarlett robbis, according to the lovable custome of uther cuntreyis, and reserve the weiring of crimosine robbis as peculiar in Parliament tymes to the Princes childrene only. And so we bid you hairtelie fairwele.—To oure trusty and weilbelovit cosines and counsellouris, the Erll of Dunfermling, chancellour, and remanent Lordis and utheris of our Prevey Counsell of Scotland." [1]

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Whitehall, 12th April 1606. Letter from the King to the Council anent sheilling and summering on the English March.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you weill:—Quhairas sindrie of the Ellottis and Armestrangis in Liddisdaill and some other partis of the Middle Shyris of this Iland continewis ane auld custome (whiche wes formarlie keepit be thame whill as these Middle Shyris were divydit under the governament of two severall free Princes), in the sommer tyme repairing to some of these boundis that belong to this kingdome, and thair in hostile maner making thair stay and residence thay destroy the game, cuttis the woddis, and utherwayes committis suche insolenceis as could not be weill borne with yf those boundis wer still ane bordour, and sould noway be sufferit in the very middis of this oure kingdome. And thairfore our pleasour and will is that you sall call suche of these Armestrangis, Ellottis, and utheris clannis as our right trusty cosine and counsellour, the Erll of Dumbar, sall gif up in roll, befoir you, and caus thame ather to find cautioun and souirtie for thair forbearing ony suche lyke sommering heirefter, under greate pecuniall panes, or then you sall committ thame to wardis and prisonis ay and quhill thay find the said cautioun. And, becaus by proclamatoiun heirtofoir we haif dischargeit and inhibite all suche sommering, thairfor oure pleasour and will is that you gif command to Sir Williame Cranstoun, knycht, that he, with Sir Hary Lye (whome we intend to direct in lyke maner), sall this nixt sommer make searche in these boundis quhair the said sommering is usuallie maid, and apprehend all suche as they sall find to offend in that caise; and those of that our kingdome of North Britane to be presented unto you, oure Counsell, and those of South Britayne that salbe takin sommering in these boundis to be presentit to the commissionaris appointit by us upoun this syde of these Middle Shyres to have the charge of the cuntreyis quietnes and of our peace-keeping. And heirin, being desyrous that all these customes whiche by occasioun of the Bordouris formarlie in those pairtis wer used sould now be discontinewit, since the

[1] For the effects of this letter see *ante*, p. 208, and pp. 219–220, footnote.

same boundis is now become the middle of our Impyre, we bid you richt hairtelie fairwele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, chancellour, and remanent Lordis and others of our Prevey Counsell of Scotland." Royal Letters, 1604–1612.

Greenwich, 29th May 1606. Letter from his Majesty in favour of Sir John Drummond and James Maxwell, his Majesty's ushers, in the matter of certain fees.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weill: Page 41. —Wheras we ar certifyed that in the ordour set doun in making of pryceis to seallis and wryttaris thair [*ante*, pp. 164–177] you haif alsua thairwith sett doun ordour concerning the ishearis fees whiche hes usuallie bene takin in former tymes in the passing of ony infeftmentis, aslwele by confirmatioun as resignatioun: Quhairin oure servitouris, Sir Johnne Drummond and James Maxwell, our ishearis, being the onlie pairtyis to whome the proffite of that mater by reasoun of thair service doith apperteyne,—whose stay and attendance heir being ane impediment to thame to solicite thair affairis thair,—we have thoght goode to recommend thame speciallie to your favourable cair, that thair diligence in attending us be no caus of thair hinderance: desiring that thay may be continewit in possessioun of ressaving fee for all suche thingis as wer usuall to pay ishearis fee fourtie yearis past; and efter sua lang continuance we think it reasounable that at least during the lyftyme of these oure servandis thair former possessioun may be continewit. And sua, remitting the ordour to be tane heirin to your favourable consideratioun, we bid you right hairtelie fairwele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chancellour, and remanent Lordis and otheris of our Counsell of Estate, in our kingdome of Scotland." [1]

[1] The Sir John Drummond of this letter was Sir John Drummond of Hawthornden, father of the poet. The information that the duties of his ushership kept him so much in England about this time is new, and is the more interesting because it throws light on some points in the biography of his son.—The poet, it is known, was in London and its vicinity for some considerable time in the course of 1606,—being then in his twenty-first year, and having recently concluded his studies in the University of Edinburgh and taken his degree there. He was on his way to France, where he meant to reside for a year or two, alternating between Bourges and Paris for the study of law. It chances, indeed, that the very earliest known letter of the poet Drummond is one dated "Greenwich, June 1, 1606," written to some nobleman in Scotland and describing the preparations then going on at the Court of Greenwich for a pageant or mock-tournament in honour of the King's brother-in-law, Christian IV. of Denmark, whose arrival in England was expected. There are five subsequent letters proving that young Drummond was still at Greenwich, and mingling intimately with the Court-life there, through June, July, and August. Hitherto the supposition has had to be that he resided, while in London or at Greenwich, with his mother's brother, William Fowler, who was in the household service of the Queen and had gone to England in her train, and that it was through this uncle Fowler that the young Scot had such easy access to Court. From the present Royal Letter, however,—written from Greenwich exactly three days before that of Drummond just mentioned,—it appears that there was no need for that supposition. Drummond's own father, the usher, was then at Greenwich on the duties of his office; and it was with him, and not with uncle Fowler, that the young poet was staying. He was at Greenwich with his father at the time when this very letter in his father's interest was sent off.—It might even be an inference from the letter that the poet's father, as well as his uncle, migrated to England at or shortly after the King's removal thither in 1603, or had at all events ceased from about that date to reside habitually in Scotland. This, however, is not so certain. It was about three years after the date of this letter that Sir John Drummond died, at the age of fifty-seven, leaving his poetical son Laird of Hawthornden; and then he was buried in Holyrood Abbey.

Miscellaneous Papers.

Greenwich, 29th May 1606. Letter from his Majesty to the Earl of Dunfermline and the other Councillors anent the dispute between Edinburgh and Leith.

Right trusty and welbeloved cowsens and counsellouris, wee greete yow heartely well :—Wee have hereby thought good to recommend unto you the removing of all mater of complainte whiche justly may be made by the toune of Leeth and inhabitants thereof against the toune of Edinburgh. And, as a particulare note of their greeves, with their petition for remedy thereof (whiche in our judgement is most reasonable), were delyvered by us to our Secretary to the effect he should imparte them to you there, that yee, calling the magistrates of the same borugh before you, might take particulare order for setling of every specialty therein conteyned, so at that tyme wee ourselfe by mouth did recommende unto yow, our Chancelare and Secretary, the putting of that mater to a finall ende. Whiche seeing it hath as yet taken no effect, wee have thought goode once more to remember the same to you our Counsell, willing you to call the saidis magistrates . . . . let them understand how requisite it were that the . . . . the saidis inhabitantes of Leeth were graunted in . . . . wherewith their said superiority was first bought from the . . . . , and that yee take suche further ordour for setling of that mater . . . . tions to be sette doune in covenant betwene them, as that . . . . be no more troublesome to us by their mutuall criminatio . . . . selves, who by their selfewillidnes have spent moir in atte . . . . question is worth. And, thus remitting the finall end . . . . diligence, wee bid you heartely farewell." [1]

Royal Letters, 1604–1612. Page 41. Page 42.

Edinburgh, 10th June 1606. Letter from the Council to his Majesty in reply to his in favour of Sir John Drummond and James Maxwell.

"Most sacred Soverayne :—We ressaved your Majesteis letter quhairin your Heynes hes recommendit unto us the particulair of Sir Johnne Drummond and James Maxwell, anent the continuance of thair possessioun of chalmer fees for infeftmentis, alswele passing by confirmatioun as resignatioun, and of all other thingis whilkis wer usuall to pay chalmer fee thir fourtie yearis past. It will pleis your sacred Majestie, in the tryale of that mater we procedit with very great respect, and tooke suche exact cognitioun thairin as we could, alswele by ancient recordis as by the knowlege of the eldest officeris and clerkis that could yeald us ony light; and, finding that nouther of ancient tyme nor in your Heynes minoritie the confirmationis payit ony suche dewytie, and the complaintis of your Majesteis subjectis being havy, we determined in that mater according to the lovable custome we tryed to haif bene befoir, and maid the ishearis dew to be in all resignationis equall to the prevey seale [*ante*, p. 173]. Wherof we doubt not bot your Majestie will allow; and now, yf we sall alter this ordinance and mak ony breache thairin,—whiche by verie goode advise and greate travell hes bene sett doun, and is prented and gevin oute to the contentment of all your Majesteis liegeis,—otheris, who findis thameselffis als fer interest and pretendis als greate caus of miscontentment, will not faill to seik the lyke reparatioun, and sua oure panis and travellis in this mater sall prove ineffectuall. Wherof remitting the consideratioun to your Majesteis princelie wisdome, we pray God to blisse your Majestie with a lang and happy reignne and eternall felicitie."

[1] Original letter under the sign manual.

Edinburgh, 14th June 1606.

Letter from the Council to his Majesty anent their investigations into the truth of the statement made by Mr John Forbes in a letter to his Majesty, to the effect that the Chancellor had connived at the unlawful Assembly at Aberdeen in July 1605.

"Most sacred Soverane :—Haveing ressavit commandiment frome your Majestie to try the meanis of Mr Johnne Forbes his verificatioun of that whiche he had writtin to your Majestie of the behaviour of your Heynes Chancellour in his foirknaulege, advise, and approbatioun of the lait pretendit Assembley at Abirdene, albeit in the opinioun of mony, not of meanest credite and knowledge in this cuntrey, the mater seamed without example, and not without dangerous consequence, yf ane man in Mr Johnne Forbes his case sould be hard to bring in questioun the fame and fortoun of ane nobilman of suche birth, rank, and authority under your Majestie as your Heynes Chanceller, yitt,—our most humble and faithfull dewytie in all thingis to obey your Majestie, and the monyfauld experienceis of the singulair wisdome and undoubtit reasoun wherupoun all your Majesteis directionis ar infalliblie groundit, haveing moved us justlie to acknowlege the waiknes of oure awne privat opinionis and reverentlie to acquiesce to your Majesteis moir excellent judgment, and your Majesteis Chanceller not only consenting, but eirnistlie solisting the exact diligence and most perfyte inquisitioun of all circomestanceis quhairby the simple and poore treuth of that haill purpois micht be most cleirlie and certanelie discoverit,—we assigned ane terme to Mr Johnne Forbes, with so competent ane space for preparatioun and using of his probatioun as, he being satisfeit thairwith, and haveing warnit all suche witnessis as he pleasit to insert in the blank of your Majesteis letters grantit unto him for warning of ony whome he thocht most able to cleir the treuth of his dilatioun, upoun the xiii of this moneth we examined Mr Walter Balcanquell, Mr James Balfour, and Mr Robert Cathcart, witnessis producit be the said Mr Johnne Forbes,—whose depositionis we have heirwith send unto your Majestie,—and onlie omitted to examine Mr Johnne Welshe, whome he had also requirit to beir witnes, becaus we wer affrayed that your Majestie sould haif imputed to us for ignorance or malice yf we sould haif examined that man as a witnes, whose fame hes ressavit the wound of ane capital convictioun befoir your Heynes justice, onlie curable be your Majesteis clemencie. We have in that respect abstenit frome examinatioun of him, the rather also becaus, albeit he sould afferme all that is allegeit be Mr Johnne Forbes, he wald be onlie *testis singularis*. Bot, understanding that boith your Majesteis Chanceller and Mr Johnne Forbes declarit that the Laird of Leyis-Burnett wes present at thair conference concerning that Assembley, for better tryale of the treuth we haif of our office alsua sworne and examined him, and send to your Majestie his depositioun with the rest. Wherin we will not presome to write our opinioun to your Majestie, boith becaus God has inspyred your Majestie with so excellent judgement and singulair wisdome as givis your Majestie moir perfyte and reddy resolutioun in all suche materis nor we ar able to consave, and als becaus in sa rair a caise as this the sentence can nevir haif ony warrand whiche may, ather for the qualitie of the personis, equitie of the determinatioun, or consequence of the example, be sa sure and universallie allowable as when it salbe

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knowne to haif procedit frome the fontane of your Majesteis royall prudencie. And, in this our proceding humelie requeisting your Majestie gratiouslie to accept of our faithfull intentioun, we beseik God long to prosper and preserve your Majestie in perfyte helth and contentment."[1]

[1] There has been incidental mention already of the fact that Chancellor Dunfermline was for some time under a cloud from suspicion of his complicity to a certain extent with the Presbyterian ministers who had managed the Aberdeen Assembly of July 1605 (see *ante*, p. 219, footnote).—The business had come to be of considerable importance in the summer of 1606, when it seemed even likely that it would entirely wreck the King's confidence in the Chancellor, and remove him from office in disgrace. For particulars, with versions of the story from different sides, see Spotswood, 495–496, Calderwood, vi. 551–556, Seton's *Memoir of Chancellor Dunfermline*, 73–77, and especially Forbes's *Records touching the Estate of the Kirk in the years* 1605 *and* 1606 (Wodrow Society). In this last there is a narrative of the affair from beginning to end by the man who was most directly the Chancellor's antagonist in it, viz., Mr John Forbes, minister of Alford, Moderator and chief manager of the Aberdeen Assembly, and now one of those convicted and in prison on that account. The substance of our information from these sources is as follows:—Mr Forbes, being in Edinburgh in June 1605, and understanding that the Council meant to stop the Assembly at Aberdeen by a direct charge of horning, went to the Chancellor and had a conference with him, the result of which was that the Chancellor agreed that the charge of horning should not be employed for the purpose, but only missive letters of request from the Council itself (see *ante*, p. 471, and footnote), provided Forbes would undertake "that no more sould be done in that Assemblie except only ane continuation of the effaires of the Assemblie to ane uther tyme." The Assembly having been managed by Forbes and the others, as they supposed, strictly on this understanding (*ante*, pp. 83–85, footnote), they had expected no trouble for what they had done; and, indeed, in conversations with Mr John Welsh and Messrs Balfour and Balcanquhal in Edinburgh after the Aberdeen Assembly was over, the Chancellor had expressed himself, they said, as greatly relïeved by their exact account of what had occurred in the Assembly, "approving" of the same, and "affirming that, if there was no more done, there was no wrong done, and that Mr John Forbes was ane honest man and had keiped promeiss to him." Then, however, when the King's wrath against the Assembly became known, there came the Laird of Lauriston's coloured version of its proceedings to screen himself, with the story of his having interdicted it the day before its meeting by public charge of horning at the market cross of Aberdeen (*ante*, p. 85, footnote). The Chancellor then, "finding that it was his Hienes will to quarrell with that Assemblie," changed his behaviour in the matter; and, on the 25th of July 1605, when Mr Forbes was brought before the Council for interrogation, and committed to Blackness (*ante*, p. 103), there was some altercation between him and the Chancellor as to the purport of their previous communications with each other. This did not escape the notice of Archbishop Spotswood and others of the bishops and clergy of the Court party who were present in the Council meeting, the rather because the Chancellor (whose secret leanings were to the Roman Catholic faith) was known to be unfriendly to them and their policy. Accordingly, they treasured up the information for use against the Chancellor when there should be opportunity.—The matter seems to have smouldered in mere rumour, however, till February 1606, when six of the ministers were lying in Blackness Castle convicted of treason and at the King's mercy, and the rest were in other prisons. Then, his Majesty having been made definitely aware by Archbishop Spotswood of the accusation against his Chancellor, and of some similar accusation against President and Secretary Balmerino, there began an official investigation. A Mr William Irving was employed by his Majesty to see the convicted ministers in Blackness, and procure from them, and especially from Mr John Forbes, more specific information in support of Spotswood's charge. The ministers, not liking to be made parties to a political combination against the Chancellor, were considerably perplexed; but, on the 27th of February, Mr Irving did have put into his hands at Blackness, in addition to a joint-letter from all the six to his Majesty pleading their own cause, a special letter from Mr John Forbes relating, as sparingly for the Chancellor as he could, the circumstances inquired after. "The letters considered," says Forbes (p. 513), "his Majestie began throughly to be resolved that whatsoever the Bishope of Glasgow had spoken to

Greenwich, 24th June 1606.

Letter from the King to the Council anent the continuation of the General Assembly, and announcing that he has sent missives summoning a select number of the Scottish clergy to Court for conference with him on ecclesiastical matters.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Oure unchangeable resolutioun evir to provyde for the peace of the Churche of oure haill dominionis, and speciallie of that oure kingdome of

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him concerning the Chanceler and President was trew; and so his mynd began to be estranged from them . . . . This did give a fit occasion to the Lord Fleming and Earl of Dunbar coming to Court to prosecute their intentioune; for, finding alreddy his Majesties mynd brought in jealousie with these men, they did what they could to augment it, ... and did so far prevail that they brought his Majestie to yeald to the removing of both Chanceller and President from their offices, yet so as it should proceed upon ane lawfull conviction of undutifulnesse."—So the matter hung through the months of March, April, and May 1606,—the Earl of Dunbar, Archbishop Spotswood, Lord Fleming, and others still busy against the Chancellor and Balmerino, and trusting to ruin them by further evidence of "their intelligence, foreknowledge, and approbation of the Assemblie at Aberdeen," and the warded ministers at Blackness still solicited for such evidence. In April there was a second visit to them by Mr Irving on the part of his Majesty, with the result, as before, of two letters to be carried back to Court,—one a second general supplication to his Majesty in their own cause, signed by them all, and the other a second special letter from Mr John Forbes to his Majesty in the business of the Chancellor.—As Mr Forbes had by this time become very wary in that business, partly because he did not wish to be made an instrument for the Chancellor's ruin, partly because he foresaw that, if the Chancellor emerged unhurt, anything he might write in the business would be "used against himself to his farder disgrace and danger," this second letter, dated on or about 22nd April, was more guarded and general than the first. The result was that the King, when he had read it, was "highly commoved that Mr John Forbes by his letter did flie all accusing of the Chanceler," and sent down more peremptory instructions to the Earl of Dunbar and the others he had commissioned to investigate the business. On the 23rd of May, accordingly, an order, signed by the Earls of Montrose, Mar, and Dunbar, and Lords Fleming, Glammis, Newbattle, and Scone, was sent to Blackness requiring that Messrs John Forbes and John Welsh should be brought to Edinburgh for rigorous examination. They were examined before the Council on the 24th; but, as they were still cautious, and little more could be extracted from Mr Forbes, in verification of his former statements respecting the Chancellor, than an offer again to communicate privately with his Majesty himself on the subject, they were remitted to ward in Edinburgh Castle till they should be again called before the Council.—Just at this moment, when Mr Forbes, from his prison in Edinburgh Castle, was addressing another letter to the King, the Chancellor himself, who had not been confronted with Mr Forbes in the Council meeting, but who knew that the crisis of his fate had arrived, was doing the same thing from his Edinburgh mansion. The letter, dated 25th May 1606, is so characteristic, and Chancellor Dunfermline is so distinctly the central man in Scottish History throughout our present volume, that it ought to be quoted here entire:—"Maist sacred Soverane,—I crave your Majesties favour that it may be lesome to me to giff entrie to this letter with some report of the antiquitie. I think to a man that has delyted all his dayes in letters, wryting to the maist learned and wyse King in the warld, it can nocht be imputt to great amisse albeit some memorie of learning be intermixed thairin. I red that, Marcus Scaurus, a man of great renoune amangis the Romanes *florente Republica*, being accused by Quintus Varius of a verie odious cryme, that he sould haiff ressaved money fra the King Mithridates for to betray the affaires of Rome, efter his accusar had deduced all argumentis and probatiounes he could devise, he used naa other defence but this: *Quintus Varius ait Marcum, regia pecunia corruptum, Rempublicam prodere voluisse; Marcus Scaurus huic culpæ affinem esse negat: utri magis credendum putatis?* [Quintus Varius says that Marcus Scaurus, bribed by the King's money, designed to betray the Republic; Marcus Scaurus denies complicity with that crime: which of the two do you think the more worthy of credit?] Whilk defence was followed with the acclamation of the haill people, condemning the accusar as a calumniator and a lyar, and acknowledging the defendar's undoubted vertew and honestie. Maister Johne Forbes, a condemned traitour for his rebellious and seditious conventicles, haldin as General Assemblies against your Majesties authoritie and command, accuseis your Majesties Chancellar to haiff geven advise, counsall, or consent to the halding of the said mutinous Assemblie. Your Majesties Chancellar sayes it is a manifest lye, and, if it might stand with his honour

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Scotland, wherin oure cair and panes are manifest to the world and best knowne to yourselffis, having moved us,—for preventing of the neidles questionis and troublis whiche might haif arissin in the nixt Generall and dignitie of his place to enter in contestation with sic a condamned traitour, could cleirlie verifie the same. Maister Johne Forbes and all his colleigis abyddis still at the mantenance and justificatioun of that their Assemblie as a godlie and lawful proceeding. Your Majesties Chancellar, be his publict letters, dischargit and contramandit the said Assemblie; he hes sensyne condamned the said Assemblie as a seditious and unlawfull deid, and all the pertakers and mantenars of the same as mutinous and seditious personnes. Your sacred Majestie hes to judge whilk of thir twa is maist worthie of credit. Farther I think not neidfull to impesche your Majestie in this matter; bot some information I haiff send to Mr Alexander Haye, whilk it may please your Hienes to accept and heir off when best lasour fra mair weightie affaires may permitt the same. Swa, maist humblie taking my leiff, and praying the Eternal God lang to preserve your Majestie in all felicitie, I rest your Sacred Majesties maist humbill and obedient subject and servitour,—DUNFERMELYNE."—Partly perhaps from the effects of this letter on his Majesty's mind, but also from other causes, including intercession with his Majesty in the Chancellor's behalf by the English minister, Lord Salisbury, his Majesty's conclusion was favourable to the Chancellor. Intimation was sent down that, while it was his Majesty's pleasure that the Council should continue the investigation and bring it to an end, "he would not have his Chanceler convict in that whilk Mr John did alledge, because Mr John was ane convict man himself; neither wald he have him put from his office albeit [even if] that matter were proven."—Such is Mr John Forbes's own account (p. 547) of the issue to which the affair had been brought in June 1606, when the King had received his letter and the Chancellor's together. He adds,—"The Earl of Dunbar, perceiving his Majesties resolution changed, and so the purpose [of overthrowing the Chancellor] na wayes like to succeed, thought meit not altogether to losse the Chanceler's favour since he was not yet to fall; and therefore, by mutuall intelligence past betwix them, he agreed to convoy the tryall als far as he might to the Chanceler his advantage."—The present letter from the Council to the King, dated the 14th of June, shows that the Council, on their final trial of the matter on the preceding day, had wound up all gently for the Chancellor on the terms of this understanding. The narrative it gives of their proceedings at their meeting of the preceding day corresponds mainly with the narrative given by Forbes in his *Records* (547–550), though this last throws farther light on some points.—The Chancellor himself was not present, though Mr Forbes desired that he should be called, and proposed to rest much of his proof on what the Chancellor himself would admit on being interrogated; and the proceedings consisted wholly in examination of Mr Forbes and of the four witnesses named in the Council's letter,—viz., Mr Walter Balcanquhal, Mr James Balfour, Mr Robert Cathcart, and the Laird of Leys-Burnett [*i.e.* Alexander Burnett of Leys in Aberdeenshire]. The first three of these were witnesses called by Forbes to prove the truth of his statements as to expressions of satisfaction with what had been done in the Aberdeen Assembly used by the Chancellor in conversation with them after the Assembly was over. The evidence of the Laird of Leys, which was not tendered by Forbes, but on the side of the Chancellor, related to the conference between Forbes and the Chancellor *before* the Assembly and to what had passed in that conference,—the Laird of Leys having been the only important third person present at that conference. Mr John Welsh, it will be observed, on whom Forbes relied as his most important witness, and who had been brought with him from Blackness to Edinburgh for the purpose of the trial, was not examined at all. For the reasons assigned by the Council in their letter, or for others, he remained in his prison in Edinburgh Castle all the while of the Council meeting, though Mr Forbes fully understood that a macer had been sent to fetch him.—The Council, it will be observed, determined nothing themselves, but merely transmitted the depositions to the King for his Majesty's own decision upon them. That was already a settled matter. The Chancellor remained in full power and credit; and he and the Earl of Dunbar, with no difference between them now, were to co-operate in the management of the Parliament which had been appointed to sit in Edinburgh on the 7th of June, but which was transferred to Perth, and became famous as THE RED PARLIAMENT (see *ante*, p. 219 and p. 226, and footnotes).—Spotswood, in whose account of the whole of this passage in the life of the Chancellor there is an evident *animus*, notes that, as the Chancellor had

Assemblie of the said Churche, yf ony should have meanit to haif anullit or alterit the Actis maid and concludit in preceding Assemblyis haldin in our presence,—to send missives and instructionis whilkis wer presentit be our commissionaris to every particulair synode, craving thair approbatioun of that oure desyre, onlie tending to thair awne weill and quietnes. And thairin being frustrat of that expectit consent, whiche we could nevir haif supposed that ony wyse or peceable minister wald haif refusit or delayit to gif; and thairby being forder persuadit of that whiche befoir we could hardlie beleave, that oney greate appeiranceis wer sene of contention, trouble, and divisioun liklie to arise in the said nixt Generall Assembley unles ordour wer wyslie tane befoir thair convening for preventing of all suche occasionis and hurtfull effectis; thairfoir we haif directit our missives to ane goode nomber of the ministrie thair of the greatest leirning and experience, commanding thame to repair towardis us, to the effect that, we being trewlie informed by thame of the distrustis, dislykeingis, grevis, and eleistis fallin furth amang themselffis, and ever liklie to increse, and of the most cheritable, easie, and permanent remedyis thairof, we micht conclude and spedilie caus publishe oure resolutioun and will thairanent. And, albeit we eirnistlie desirit this to be done with all possible diligence, yitt, knowing that a goode nomber of these quhose presence is necessarie at that oure conference and deliberatioun may not wele be absent frome the Parliament of Scotland, and that the tyme of oure progres will noway be proper for that meiting for want of laser tyme and convenient place, thairfoir we haif appointed thame to be heir preceislie befoir the fyftene day of September nixt, then to begin and with diligence to proceid to the goode conclusioun of that treatye; whiche necessarlie mon preceid the holding of the said Generall Assembley, as ane preparatioun of the peceable convening, modest proceding, and godlie conclusioun of the same. Whiche we haif thoght goode with diligence to signifie unto you, to the effect you might caus mak dew

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narrowly escaped ruin, so he "was made more tractable in the restitution of Bishops' temporalities, which he had strongly resisted unto that time, and in the Parliament kept at Perth in the beginning of July showed a great desire to promote the same" (*ante*, p. 227, footnote). In fact, Spotswood implies that the Chancellor's offence was deeper than had appeared, or than Forbes and the other ministers of the Aberdeen Assembly were willing to bring to light by their evidence, and had consisted in an actual approbation of the proceedings of these ministers, founded on their common antipathy, though for different reasons, to the Bishops and the advances of the Episcopate. He states positively that the King was aware of this, and had summed up his impressions of the conflict of testimony between Mr John Forbes and the Chancellor by saying "That none of the two deserved credit, and that he saw the ministers would betray religion rather than submit themselves to government, and that the Chancellor would betray the King for malice he carried to the Bishops." There is nothing in Forbes's account to corroborate this to the letter; but he does hint that, had he chosen to tell all he knew, he might have put the Chancellor to greater straits. He informs us also that the Chancellor was quite well aware of this, and not altogether ungrateful. The result of the Council's report to the King and of the restitution of the Chancellor to favour having been to leave Mr Forbes in some obloquy as a calumniator, the Chancellor, he says, "who feared more the things that he concealed than all that was uttered," took some pains to "speak favourablie of Mr John Forbes before his well-willers," though in other companies he did not think it necessary to adopt that tone.

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and lauchfull intimatioun and publicatioun thairof, and of this necessair caus of continuatioun of the said Generall Assemblie to the last Twisday of May nixt to come. Wherin assureing oure selff of youre diligence, we bid you hairtelie fairwele.—To oure richt trusty and weilbelovit cosines and counsellouris, the Erll of Dunfermling, oure Chancellor, and remanent Lordis and otheris of oure Prevey Counsell of Scotland."[1]

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"Most sacred and gratious Soverane:—Your Majesteis letter directit unto the Lordis of Articlis of this your Majesteis Parliament in favouris of your Heynes burgh of Dumbartane wes presentit and red in publict audience; wherin your sacred Majestie, following your accustomat gratious dispositioun and commiseratioun of the distressit estate of your faithfull subjectis, did recommend unto the Esteatis the concluding of some goode and spedie meane for the help and supplee of that towne, and preventing the utter overthrow thairof appeirandlie to follow verie shortlie by the violent incursioun of the watter of Levin and undirmyneing of the ground and foundatioun of the toun. Your Majesteis Esteatis, admiring with exceiding and unspeakable joy the constant rememberance and wounderfull cair whiche your sacred Majestie still caryis to every member of this body, did with all reverent and thankfull hairtis embrace your Majesteis letter; and, albeit unable in ony degree to secound your sacred Majestie in the dewiteis of pitie and commisseratioun whiche thay aucht to thair brethrene, yitt thay all willinglie accordit to the help and releif of the said toun, and at length hard the relatioun maid by the Erll of Glencarne, the Lord Abircorne, and Prior of Blantyr, your Majesteis commissionaris nominat for viseing of the said toun and estimeying quhat soumes of money wald be sufficient for assureing the same frome the injurie of the watter. Quhilkis commissionaris being consultit and advisit with sindrie personis of best judgement, knowledge, and experience in the cuntrey, thay haif found and declarit to your Majesteis Esteatis that the perfyteing of this worke wald require the soume of xxx^{m} lib. money of this your Majesteis kingdome. And, becaus this soume could not be gottin bot be a taxatioun, and the greate taxatioun for your Majesties awne adois being in hand, the Lordis of Articlis moir willinglie yealdit to the same and to the quantitie thairof upon hoip that your sacred Majestie wald dispone a parte thairof to the help of that toun; wherthrough, thay ressaving the same as your Majesteis awne free gift, thay and thair posteritie micht be the forder moved in all humble submissioun to acknowledge your Majesteis bontie and liberalitie, and continew instant and fervent in thair prayeris to God for your Majesteis prosperitie. And sua, praying God to blisse your sacred Majestie and all your royall progenie with all temporall and eternall blissingis, we rest your Majesteis most humble and obedient subjectis and servitouris."

Perth, 10th July 1606. Letter from the Council to his Majesty anent the burgh of Dumbarton.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you

[1] Compare, and connect with, p. 219 *ante* and footnote.

Greenwich, 6th Aug. 1606. Letter from the King to the Council anent the fray between the Earl of Glencairn and the Master of Eglinton.

wele :—The report of that broyle whiche did fall furth in the toun of Perth betuix the Erll of Glencarne and Master of Eglington (? Wyntoun) immediatlie befoir the last Sessioun of Parliament keepit thair did offend us muche, speciallie in respect of the circumstanceis of the tyme and place, whenas (besydis the great hasaird in bringing money of the nobilitie, then present in towne, to haif enterit in bloode with otheris, and thairby to haif revived that new mortifeit monster of deidlie feud) it wes a reddie way to have stayed the progres of that Sessioun of Parliament, to the greate prejudice and hurte of that Estate and to the hinderanceis of all oure serviceis thair. Wherupon we ar moved the moir eirnistlie to desire the knowledge of the begynning of the misdemeanour, and wherupoun the same procedit, and whiche pairtie wes first authour thairof, and thairfoir have thoght meit heirby to will you to tak particulair tryale befoir you of the first begynning of that trouble, how the same fell furth, and whiche of the two pairtyis began the invasioun, and thairwith to try quhidder it wes upon ony precogitat or foirthocht intentioun, or yf the same did fall furth be meir accident or chadmellye unintendit be ony of the twa pairtyis aganis the other. And, heirof willing you to certifie us particularlie of the hole treuth of that mater in all the circomestanceis of the same, oure pleasour is that in the meantyme speciall directioun [? be sent] be you to oure justice generall, heich constable, or thair deputyis, or to ony other judgeis appointed by commissioun to proceede criminallie in the tryale of that mater, to desert all dyetis and to suspend and continew all processis intented befoir thame be ony of these pairtyis aganis the other, ay and quhill oure forder pleasour be signifeit unto them efter we haif dewlie considderit the tryale takin be you in that mater. And so we bid you richt hairtelie fairwele.—To oure trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chanceller, and remanent Lordis and otheris of oure Counsell of Estate in oure kingdome of Scotland." [1]

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Edinburgh, 7th Aug. 1606. Letter from the Council to the King anent the Scottish flag: Complaint among the Scottish seafaring men and lieges generally that the flag sent down for adoption obscures the Scottish or St Andrew's Cross, and gives undue prominence to the English or St George's Cross.

"Most sacred Soverayne :—A greate nomber of the maisteris and awnaris of the schippis of this your Majesteis kingdome hes verie havelie complenit to your Majesteis Counsell that the form and patrone of the flaggis of schippis, send doun heir and commandit to be ressavit and used be the subjectis of boith kingdomes, is verie prejudiciall to the fredome and dignitie of this Estate, and will gif occasioun of reprotche to this natioun quhairevir the said flage sal happin to be worne beyond sea,—becaus, as your sacred Majestie may persave, the Scottis Croce, callit Sanctandrois Croce, is twyse divydit, and the Inglishe Croce, callit Sanct George, haldin haill and drawne through the Scottis Croce, whiche is thairby obscurit, and no takin nor merk to be seene of the Scottis armes. This will breid some heit and miscontentment betwix your Majesteis subjectis; and it is to be feirit that some inconvenientis sall fall oute betuix thame,

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[1] For the circumstances of the fray mentioned in this letter, see *ante* p. 222 and footnote, and for the effects of the letter see pp. 247–248.

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for oure seyfairing men cannot be induceit to ressave that flag as it is set doun. Thay haif drawne two new drauchtis and patronis as most indifferent for boith kingdomes; whiche thay presented to the Counsell, and craved our approbatioun of the same; bot we haif reserved that to your Majesteis princelie determinatioun,—as moir particularlie the Erll of Mar, who wes present and hard thair complaynt, and to whome we haif remittit the discourse and delyverie of that mater, will inform your Majestie, and latt your Heynes see the errour of the first patrone and the indifferencie of the two new drauchtis. And sua, most humelie beseiking your Majestie, as your Heynes hes evir had a speciall regaird of the honnour, fredome, and libertie of this your Heynes antient and native kingdome, that it wald pleis your sacred Majestie in this particulair to gif unto your Heynes subjectis some satisfactioun and contentment, we pray God to blisse your sacred Majestie with a lang and prosperous reignne and eternall felicitie."[1]

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Linlithgow, 27th Aug. 1606. Letter from the Council to the King in the matter of the broil between Earls of Eglinton and Glencairn.

"Most sacred Soverane:—According to your Heynes directioun signifeit unto us be your Majesteis faithfull Counsellour, the Erll of Dunbar, we did call and convene befoir the Counsell the Erllis Eglintoun and Glencarne and the Lord Semple, with a nomber of thair freindis whome we knew to haif cheifest interesse in the present feid standing betuix thame. And, efter that we had declairit unto thame the greate panes and travellis whiche your sacred Majestie tooke in your awne persone for extinguisheing of the name and memorie of deidlie feidis, what goode succes had followit upoun your Majesteis travellis in some of the greatest feadis of this kingdome, and how that your Majestie had now recommendit unto the Counsell the removing of this feid, whiche hes bene of so long continuance, and, be reasoun of the minoritie of the Erll of Eglintoun, could not quhill now tak effect, we burdynnit thame with a submissioun, conforme to the Act of Parliament. The Erll of Glencairne pretendit that thair wes no quarrell betuix him and Eglintoun, and that a submissioun was unnecessair; and in end he directlie refuisit to submitt, becaus the submissioun imported aganis him guiltynes of the slaughter of umquhile the Erll of Eglintoun, whiche he wald nevir take upoun him,

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bot offeris him reddy to the tryale of the lawis for that slaughter; whiche tryale on his parte aucht to preceid the submissioun. We rememberit him of ane submissioun subscryvit be himselff in the same mater, aggreable in every worde to that whiche wes now desirit, quhen this mater wes last in handis afoir the Counsell in Februair 1604; bot he, standing upoun his innocencie of that slaughter, refusit to submitt. Eglintoun maid no

[1] In Balfour's *Annales*, under the year 1606, we read:—"Hes Majesty this yeire, in Appryle, for composing of some difference betuix his subjects of Northe and Southe Brittane travelling by seas anent the bearing of ther flages, and for avoiding all such contentions heirafter, by his proclamatione of the 12 of this mounthe, ordannid the shippes of bothe nations to carey on ther maine-topes the flagis of St Androw and St George interlaced, and thesse of Northe Brittane in ther sterne that of St Androw and thesse of South Brittane that of St George."

refusall; bot, pretending some excuse upoun the schoirtnes of the warning, he onlie craved a continuatioun, to be advisit with his freindis, becaus this wes the first tyme that evir he wes chargeit in this mater sen his majoritie. And the Lord Semple verie freelie, for your Majesteis satisfactioun and obedyence, without ony cerimonye offerit to submitt. We have grantit unto Eglintoun, with his awne consent, the 20 day of November nixt to be advisit with his freindis and to come providit in this mater. We haif no assuirance of the Erll of Glencarnis obedyence; bot we hoip that he will conforme himselff to your Majesteis pleasour; and the Lord Semple will be obedyent.—We had lykwayes in handis the proces of Glasgow; wherin we haif found a verie greate insolence and ryott committit be Mynto and a nomber of the commonis of the toun, and hes committit the personis guiltie to warde within the burgh of Lynlythgow whill your Majestis pleasour be knowne.—That is all that we haif done at this meeting; wherof we haif thoght meete to mak your sacred Majestie acquented, to the effect your Heynes may gif directioun thairin as your Majestie shall think goode, whiche we sall prosequute and follow oute.—And sua, praying God to blisse your sacred Majestie with a lang, happy, and prosperous reignne, we rest your Majesteis most humeble and obedyent subjectis and servitouris."[1] Royal Letters, 1604–1612.

Hampton Court, 26th Sept. 1606. Letter from the King to the Council, to enforce instructions he is sending them by the Secretary respecting (1) demonstrations of sympathy with the condemned and warded ministers, (2) more effective dealings with Jesuits and Roman Catholics.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—We have sent unto you by oure Secretarye oure mynd and pleasour in divers thingis concering the estate of that oure kingdome, boith anent the setling of Heylandis and Bordouris; and als by him we haif directit the significatioun of oure will alswele tuicheing these ministeris who ar convict of treasoun as the otheris in warde who wer nevir broght to thair tryale, and thairwith a proclamatioun for inhibiting this bold presumptioun of some of the ministerie of that kingdome in praying for those ministeris who ar for treasoun justlie condemned, as yf thay wer prosequuted. Wherin we ar to gif you in speciall charge, as you will ansuer to us thairupoun, that, in caise ony efter the publicatioun of that oure proclamatioun sall offend aganis the same, that you do proceede with all rigour aganis thame by inflicting the punishement prescryved in the same, that so oure commandimentis sent to you be not used as naiked shewis or scarcrowis for affraying of men and no forder; whiche is the way to mak offendouris to increse. Bot we wold that, by your proceding with rigour aganis some, otheris may be putt in just feare to offend. In lyke maner we have send unto you a proclamatioun aganis papistis, jesuitis, and seminaryis, that the Actis formarlie maid concerning thame may be putt to executioun with rigour. Wherin we mynd to tak tryale in whome the blayme lyeth that since oure comeing frome thense the nomber of papistis in that your kingdome hath so michtelie incresced, and that jesuitis and papistis have bene so oppinlie ressett and intertenyed and no ordour tane thairwith, and that thair is hole famileis of recusantis, and Page 47. Page 48.

[1] See *ante*, p. 249.

Royal Letters, 1604-1612.

mony of thame intertenyed in noblemenis houssis and companyis. Wherunto yf tymelie remedie be not provydit, besyde the danger to the present professit religioun, the same may importe very muche hurte and domage to the Estate. And thairfoir, willing you to tak ane exact ordour according as we have imparted oure mynd at lenth to oure Secretarye in this mater, assureing you that we will demand ane exact compt of your diligence and willingnes heirin, we bid you richt hairtelie fairwele.—To oure richt trusty and weilbelovit cosines and counsellouris, the Erll of Dunfermling, our Chanceller, and remanent Lordis and otheris of oure Prevey Counsell in that oure kingdome of Scotland."[1]

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Hampton Court, 1st October 1606

Letter from the King to the Privy Council of Scotland, criticising their proceedings relative to the late tumults in Glasgow, and sending instructions thereanent.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—Mervelling grittumelie that we did ressave from you so small informatioun of that your tryale takin anent that disordour whiche fell furth laitlie in oure citie of Glasgow [*ante*, pp. 240–247], so as we could not mak ony distinctioun of offendouris in that ryotte, that, according to the difference of thair faultis, directioun micht haif bene gevin for inflicting upoun several personis the moir mylde and moir hard punishement; and understanding that you haif committed a greate many of those that wer conveyned befoir you in warde within our burgh of Lynlythgow, the estate of moist part of whome is very miserable be reasoun of thair povirtie, and thair absence frome home and wanting of thair ordinarye trade of mantenance wilbe the utter famisheing of thair poore familyis: Thairfoir oure pleasour and will is that the Lairdis of Mynto, eldair and younger, be still retenit in warde quhill oure forder pleasour be knowne,

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and suche of the rest as will find goode and sufficient suirtie for thair cariage, keeping of oure peace, and thair dew obedyence to the magistratis of thair citie, be remittit hame and dismissed of thair warde. Bot, yf you know that thair be ony amang thame whose returning bak to the citie may perhappis be some occasioun of new disordour, or whose presence thairin may gif ony caus of discontentment to the greatest pairt of the citie, so as by thair going thither thair be ony likliehoode of forder trouble to ensew, oure pleasour and will is that suche men be relegatt to such placeis quhair thair chargeis of thair warde may be moir easie unto thame then thair remaining still in Lynlythgow, and that thay be confynned in suche boundis to abyde thairin as that thay noway repair to the citie or neir the same without speciall licence and warrand obtenit for that effect. And, willing you heirof to be cairfull, we bid you fairwele.—Postscript:—It is forder oure pleasour and will that the cautioun to be takin of those that ar to be licensed home and relevit of thair wardis salbe takin under greate pecunniall sowmes for thair dew obedyence to the magistrates; and als our pleasour is that the Lairdis of Mynto, eldair and younger, be boith fynned in greate soumes, and we thairof advertised, and that thay in the meantyme be still retenit in warde.—To oure richt trustie and weilbelovit cousines and counsellouris, the Erll of Dun-

[1] See *ante*, pp 257–260.

fermeling, oure Chanceller, and remanent Lordis and utheris of oure Prevey Counsell of Scotland."

Royal Letters, 1604–1612.

Richmond, 13th Nov. 1606. Letter from the King to the Council, anent the Noblemen not conforming to the established religion: Severe rebuke to the Council for their slackness and inefficiency in that matter, with injunctions for immediate amendment.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—The constant repoirt mony wayes come to oure earis that ane nomber of these nobilmen of that oure kingdome who formarlie wer suspectit of religioun so wilfullie and sclanderouslie forbearis now to resoirt ather to thair awne ordinair parroche kirkis to sermone and communioun, or to uther kirkis of townis and publict placeis of the cuntrey whair thay repair, that thay appeir to have tane ane setled resolutioun heirefter to abstene boith frome exercise of religioun and all outward shaw of obedyence to the Churche and oure laws maid thairanent, and to mak moir publict professioun of contrair religioun nor thay did during our residence in that kingdome, makis moir to distruist the motives and hoipis whiche steiris thame up to that bauldnes. For, albeit we have bene very tender in that poynt to use ony rigour or extremitie aganis ony of thair professioun, not being gilty of treasoun or trafficquing aganis oure persone or estate, yitt we hoiped that oure moderat course in tyme past sould have moved all oure weleaffectit subjectis of that religioun to become more conformable. Nather did we doubt bot that the most horrible and divilishe treasoun of the Parliament House attemptit againis oure owne persone, the lyfe of oure darrest bedfellow and posteritie, and the overthrow of the haill Estate of this Yle and oure remanant dominionis, sould haif wroght in thame ather ane uther detestatioun of that religioun, or at the least suche goode begynning of conversioun as sould haif maid thame forbeir all showe of contrarie professioun, and to gif outward obedyence to the trew religioun establissed within the cuntrey, till now that, contrarie to oure expectatioun, divers of thame kythis moir obstinet and presumptuous nor befoir. Wherein, as we greatlie admire thair intentioun, so, on the other pairt, we can not bot wonder of the inexcusable negligence of you, our Counsellouris, to whome having committit authoritie and truist in all materis whilkis did outher concerne oure obedyence, the estate of religioun, or quietnes of the cuntrey, and finding this heich contempt attempted be men of suche qualitie at this tyme in ane mater so heichlie tuiching oure authoritie and the estate boith of Churche and cuntrey, with so cairles oversicht on your parte as must be ather be imputed to your feare to controll suche personageis, or to connivence for favour of thair personis and procedingis, or sleuthe in your office and charge, we cannot think ourselff servit according to oure expectatioun or your dewtie, unles your diligence and severitie in tryale and punishement of that insufferable presumptioun deface the blote of your formair oversight. For, seeing two religionis can not subsist in that oure kingdome, as we acknowledge the religioun professit be us to be the onlie trew worshipping of God, so will we, be his grace, manteyne and defend the same to the end, without tollerationn of the contrair in the persone of ony. And thairfoir it is oure express will that, without langer

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delay or pretense of your ignorance of so publict defectioun of men of suche rank from the professioun of religioun, you faill not, be the advise of the Bischoppis and utheris of the wysest of the ministerie, to sett doun the best and reddyest ordour that can be divisit for reduceing thame to gif thair perfyte obedyence to the Kirk and conformitie in religioun. And, wher you find ather obstinacie or shifting delayis in ony of thame to resoirt to the churche, obey the discipline and ordour thairof in baptisme of thair childrene, mariage, and other siclyke dewyteis, or to admitt conference for thair instructioun and forder resolutioun, or yf you try ony of thame to have intercommoning or dealing with jesuitis, preistis, or trafficquing papistis, or ony way to ressett or supplee thame contrair oure lawis, that you exact all the fynes and penaltyis whiche thay haif incurrit be thair bipast contumacie; and also that you tak strait and preceis ordour for thair

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future obedyence to the ordinanceis of oure Parliament and Counsell maid anent the imbraceing and professing the trew religioun and resorting to the churche and communion. And thairwithall we wishe you sould consave that we cannot think that we ressave frome [? you] that satisfactioun whiche your dewytie and oure confidence in you dois require, yf in materis of suche moment you sall rather expect particulair commandimentis frome us how to proceid, and so, dryveing tyme, gif dangerous withgait and advantage to undeutifull subjectis in thair perversed perrellous courses, nor proceid wyislie and bauldlie, as becometh faithfull and constant Counsellouris, assured of the favour and protectioun of suche a maister. Bot, hoiping that this warning will not onlie serve to mak you to amend this fault, but also be moir cairfull heirefter to eschew in so wechtie materis so deserved repruif, we bid you hairtelie fairwele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, oure Chancellour, and remanant Lordis of oure Prevey Counsell of Scotland." [1]

Enfield, 3rd Dec. 1606. Letter from the King to the Council, directing them to stop or moderate the proceedings of the northern Synods and Presbyteries against the Marquis of Huntly for his nonconformity.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—Wheras it is complenit to us by the Marques of Huntley of the mony frequent citationis used by the synodis and presbyteryis of the North of that oure kingdome, and of thair intentionis to proceid to ecclesiasticall censures aganis him, notwithstanding of his willingnes and promeis maid unto us in all obedience to performe those injunctionis, as specialie in his repairing to churche and heiring and of sermonis, in his willing conference with the learned of the ministerie, and in not ressetting ather Jesuite, preist, or other excommunicat papist, with suche other injunctionis as we did formarlie send doun by Sir Alexander Stratoun of Loureistoun to be imparted unto you. And, seing the qualitie of his persone, being amang the first of the nobilitie of that oure kingdome, sould move those ministeris first to certifie our Counsell of the breache of some of those injunctionis befoir thay sould so summarlie at thair awne hand preceid aganis him, it is thairfoir oure pleasour and will that, yf the said

[1] Connect, by Index, with entries in *Acta* relating to Roman Catholic noblemen.

Marques of Huntlie do keepe and observe those injunctionis according as he hes promissed unto us, that then, by your expres warrand in our name, you discharge those synodis and presbyteryis frome troubling of him by citationis, without first that, upoun complaynt maid aganis him befoir you, be [? the] breache of one of those injunctionis be cleirlie verifeit and provin. And, remitting the same to your speciall consideratioun, we bid you richt hairtelie fairwele.—To our richt trustie and weilbelovit cosines and counsellouris, *ut supra*." [1] Royal Letters, 1604–1612.

Enfield, 3rd Dec. 1606. Letter from his Majesty to the Council, anent the employment of the Marquis of Huntly in the work of subjugating the North Isles.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—Wheras, we having resolved to reduce the North Yllis belonging to that oure kingdome to civilitie and oure obedyence, and, finding none so mete to undirtak nor able to perform that service as the Marques of Huntlie, we thairfoir do intend to imploy him in that busynes, and have remitted the conditionis that boith ar to be yeildit unto him for doing of the service and to [? be] demandit of him for assureing that quietnes whiche we so muche desyre in these boundis to your speciall consideratioun, we having [? have] sent by oure richt trustie Counsellour, the Erll of Dunbar, our pleasour and mynd in that mater; who is to impart the same unto you at lenth. And so, remitting that mater to your speciall cair and consideratioun, we bid you right hairtelie fairwele.—To our richt trustie and weilbelovit cosines and counsellouris, *ut supra*." Page 53.

Whitehall, 10th Dec. 1606. Letter from his Majesty to the Earl of Dunfermline, chancellor, and the other members of the Council, anent a certain malefactor and his resetters.

"Right trusty and welbeloved cosins and counsellouris, wee greete yow heartely well:—Whereas wee are certified of the many detestable villanyes and murders committed by John Dow MackGyllychallum Stewarte in Athole, and therewith being surely enformed that he is resette and ordinarily in houshold enterteyned by Baron Reade in Athole, Alester Tarlachson of Inchmagrannoch, Neill Stewart M^cGillychallum, brother to the said John Dow, and Neill Stewart of Fosse, thereupon wee have thought good to will and require you that yee give present order for the apprehension of these four persons, resetters and enterteyners of the said John Dow MackGillychallum, and, upon their taking, that yee presentlie committe them to some warde and prison, there to remayne till the said John Dow M^cGillychallum be exhibited and produced before you for their releefe out of warde. Which being done, yee shall then certifie us thereof, to the effecte wee may signifie our further pleasour and will concerning the aforesaidis four personis also. And, remitting the same to your speciall cair and diligence, wee bid you heartely farewell." [2] Miscellaneous Papers.

Whitehall, 19th Dec. 1606. The King to the Council, intimating the appointment of the Earl of Dunbar to the

"Richt trustie and weilbelovit cosines and counsellouris, wee greete you wele:—Quhairas we haif specialie appointit oure richt trustie and weilbelovit cosine and counsellour, the Erll of Dunbar, to haif the oversicht and charge of quieting the Middle Shyres of Greate Britayne, and by oure other Royal Letters, 1604–1612. Page 54.

[1] See, by Index, entries respecting the Marquis of Huntly.

[2] Original letter under the sign manual.

Royal Letters, 1604–1612.

letter to oure commissionaris having maid knowne unto thame oure will and pleasour in that service, we haif thoght meete alsua to acquent you thairin, willing you, as you salbe adverteist to that effect, to be ayding and assisting to the said Erll of Dunbar by your avise, counsellis, commandimentis, and chargeis in ony thing that salbe thoght necessarye and expedyent be him for the furthering and advanceing of that service of quieting and reduceing to obedyence of these boundis. Wherin particularlie we will you, by your speciall missive letters direct to the townis of Drumfreis, Jedburgh, Hawick, Peblis, Selkirk, and Annand, and to all pairtis and personis necessarye, to will and in oure name to command thame that, as ony of thame salbe heirefter required by oure said richt traist cosine and counsellour, that thay faill not to be alwayes in reddynes to assist and concur with him in ony point of that service wherin we have presentlie imployed him. And, not doubting of your cairfulnes heirin, we bid you fairwele.—To oure richt trustie and weilbelovit cosines and counsellours, *ut supra*."

chief Commissionership of the Middle Shires, and requiring their co-operation with him in that charge.

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"Most gratious and sacred Soverane:—At this Assemblie keepit by your Majesteis appointment at Lynlythgow thair wes ane petitioun presentit in name of Mr Robert Bruce [*ante*, p. 283, footnote], proporting that with all deutifull reverence he had satisfeit your Majesteis directioun be his entrie and keeping of warde within the burgh of Inuernes this yeir bigane and mair, and be deutifull behaviour during the tyme of his warde withoute just occasioun offence to your Majestie, and how that in this meantyme he had contracted divers diseassis whilkis imported the hasard and perrell of his lyffe, and thairfoir he humelie craved of the Assembley that by thair intercessioun your Majestie micht be intreated to transporte his warde fra Inuernes to his awne place of Kynnaird, whair he micht haif the commoditie to be consulted and advisit with phisitianis and men of knowlege anent the mater of his disease and ordinarie remedyis for the same. That letter being red in publict audience, and the forme of his behaviour in his warde being examined be the Assembley, and nothing found nor tryit bot ane deutifull cariage on his parte, the haill Assembley, all in ane voce, humelie intreated and requeisted us to recommend unto your sacred Majestie his estate and conditioun, and to requeist your Heynes to have a favourable consideratioun of him and to returne him home to his awne duelling house. Wherin thay persuade thameselffis to find your accustomat gratious and clement dispositioun, and the rather frome intercessioun proceding frome thair universall consent and requeist. And thairfoir, for satisfactioun of the brethrene, we mon be bauld in all reverence and humilitie to recommend the said Mr Robert to your Majesteis gratious and favourable consideratioun, and to requeist your

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sacred Majestie to returne him home upoun suche conditionis as to your sacred Majestie sall seame expedyent; wherby the hoipis and expectatioun of the brethrene may be satisfeit, and the said Mr Robert may have mair nor caus to acknowlege your Majesteis gratious dealing with him. And

Linlithgow, Jan. 1607. Letter from the Council to his Majesty, conveying and supporting a unanimous petition of the late Convention of Clergy in favour of Mr Robert Bruce, now secluded in Inverness.

so, praying God to blisse your sacred Majestie with a lang and happie lyfe and eternall felicitie, we rest your Majesteis most humble and obedyent subjectis and servitouris." Royal Letters, 1604-1612.

Edinburgh, 8th Jan. 1607. Letter from the Council to the Barons of the West March, requiring them to assist the Earl of Dunbar in his new charge over those parts.

"Richt traist freindis, efter oure hairtlie commendationis:—It hes pleasit the Kingis most excellent Majestie, upoun goode proofle and experience of the deutifull cariage and behaviour of his trusty Counsellour the Erll of Dunbar in all the imployments, privat and publict, wherwith his Majestie hes burdynnit him, and of his dexteritie in the prosequutioun of the same, to committ unto him lykewayes the charge, oversicht, and governament of the Middle Shyris of this his Majesteis monarchie of Greate Britayne. In the executioun of the whiche charge seeing your concurrence and personall service wilbe sindrie tymes necessar, as you haif bene accustomat in other tymes quhen the necessitie of ony service presented within these boundis, we have heirby tane occasioun to requeist and desyre you, and in his Majesteis name expreslie to command and charge you, that you faill not at all tymes to be in reddines to concur, ayd, and assist the said Erll by your counsell and personall service in all thingis tending to the furtherance and executioun of his Majesteis service, in suche forme and maner and at all suche tymes and occasionis as you salbe adverteist be him, and that you reverence, acknowlege, and obey him in all thingis according to the gravitie and majestie of his calling and chairge, as you respect his Majesteis obedyence and service, and will ansuer upoun the contrarie at your heichest perrell. Thus we committ you to God." Page 55.

[? Jan. 1607.] Letter from the King to the Council, instructing them to revert to the practice of devoting one day weekly to matters concerning the general weal of the realm.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—The present estate of that oure cuntry ather increscing or at least continuing in lousnes, without ony perfyte setling of the Yllis and Heylandis, and, whiche is moir to be regairdit, divers bloodis being committed in the inland, thift and oppressioun upoun the late Bordouris, and trafficquing and avowed contempt of oure lawis by papistis through the whole boundis of that kingdome, lattis us evidentlie see the inconvenienceis whiche arryseth of youre intermissioun of the ordour establisheit by us, and observed by oure Counsell during oure being in that cuntrey, not to imploy the whole Counsall dayis upoun actionis among pairtyis as now you do, bot everie wek at least to bestow one Counsell day upoun materis concerning the estate and generall wele of the realme. The intermissioun of whiche custome having produceit thair sensible harmes, we haif thoght fitt to direct the Erll of Dunbar to signifie unto you oure opinioun thairanent, and to desire you to renew the use of that goode institutioun, wherin you may everie weeke so proffitablie spend one day upoun the consideratioun of the generall disordouris or apparent inconveniencyis of the cuntrey and upoun the foirsight of expedient remedyis of the same as may tend most to the weale of the whole subjectis and oure greatest satisfactioun. And thairfoir, you haveing ressavit this directioun and adverteisment frome us, we will expect that,

Royal Letters, 1604–1612.

befoir the Erll of Dumbaris returning, you sall not onlie renew the practize of that necessarie ordour, but alsua latt us know some goode effectis alswele of your resolutionis as of the executioun thairof. And, wherin ather our authoritis or advise and directioun sall seame necessarie to you thairanent, you may assure yourselff of that goode affectioun in us whiche oure whole bipast actionis hath manifested in all suche commendable courseis,

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as the Erll of Dumbar will moir particularlie declare unto you, according to oure speciall directioun gevin to him in that behalff. And sua, wisheing your diligence may be ansuerable to oure desire and expectatioun, we bid you hairtelie fairwele."

16th Jan. 1607. Letter from the Council to his Majesty in reply to the preceding letter, and to several other recent letters and messages.

"Most gratious and sacred Soverane:—Your Majesteis two letters, the ane concerning the inconvenientis whilkis have arissin by the intermissioun of the ordour establisheit by your Majestie anent the bestowing of one day every oulk upoun materis concerning the estate and commoun wele of this realme, and the other concerning the bouldnes and libertie whiche some nobilmen of this kingdome hes tane to mak moir publict professioun of thair fals religioun nor thay did during your Majesteis residence heir amangis us, wer presented to your Majesteis Counsell, who wer convenit in a frequent nomber of the nobilitie and clergy, by your Majesteis faithfull and worthy Counsellour, the Erll of Dunbar; who alsua maid a breif relatioun to us of some reportis gevin oute to your Majestie anent the grudge and miscontentment whiche your Majesteis subjectis had consavit upoun the granting of the lait taxatioun to your Majestie, and anent the present misreule of the in-cuntrey and unquietnes of the Heylandis and lait Bordouris.

Thir letters and credite of the Erll of Dunbar being reverentlie hard and considderit be your Majesteis Counsaill, and first that poynt tuicheing the grudge and miscontentment of your Majesteis subjectis for the taxatioun being examinat and every manis knowlege of that mater being demandit, we will assuir your sacred Majestie that, as the taxatioun wes most freelie, with the generall applause and hairty consent of all the Esteatis, no man contradicting, yealdit unto, without ony appeirance of grudge, murmour, or miscontentment, sua to this hour thair is nevir ane of your Majesteis Counsell who hes hard ony kynd of whispering concerning that mater, bot a far greatair quietnes and contentment in this nor evir wes had in ony taxatioun preceding, yea in the least that evir wes grantit unto your Majestie. And so we cannot bot wynder of the presumptioun and rashnes of these who, without a ground or warrand, wald putt your Majestie in distruist of the loyaltie and honnest hairtis of your Majesteis faithfull subjectis of this kingdome; who, we ar certane, wilbe mair grevit that suche sinister constructionis sould be maid of thame nor thay ar for the mater of the taxatioun. And thairfoir we wilbe bauld in all humilitie

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to requeist your sacred Majestie to examine this mater moir schairplie, and to try upoun what ground, evidence, or presumptioun suche constructionis ar gevin oute aganis your Majesteis goode subjectis; wherin we

doubt not bot your Majestie will find moir folie and rashnes nor probabilitie of a treuth.[1] Royal Letters 1604–1612.

As to the grouth of the nomber of papistis and thair boldnes to continew in thair errouris and refusall to hant preicheingis and to communicat, we assuir your Majestie that thair wes nevir ony suche dilatioun maid unto us be the Kirk, who sould haif gevin unto us informatioun in that mater. Alwayes, at this meeting and Assemblie of Lynlythgow, thair is very goode courseis tane anent the suppressing papistis, quhilkis being seene and allowed be your Majestie, the execution thairof salbe prosequuted without respect of personis with all extremitie, and nothing dew to your Majesteis Counsell anent that particulair salbe omitted nor neglectit.

Anent the estate of the Heylandis, we haif not had ony greate insolence thair this long tyme, except onlie the murthour of Kinfawnis men; wherin albeit no complaint nor informatioun wes gevin be the pairtie to the Counsell, yitt, upoun the first brute thairof, and your Majesteis directionis thairanent delyverit by your Majesteis Secretair at his returning, thay directit chargeis aganis the Erll of Athoill for exhibitioun of the criminallis; and, in respect of his dissobedyence efter two continuationis granted unto him, he is denunceit and registrat to the horne, and ane Act

[1] The Taxation here referred to was one which had been granted to the King by the Red Parliament of Perth in the preceding July. See two Acts of that Parliament in *Acta Parl. Scot.* iv. 289–292. The vote was as follows:—From the Nobility and Lairds, four payments of 20s. from every pound land of old extent, these payments to be made on 1st February in each of the years 1607, 1608, 1609, and 1610; from the Spiritual Estate four payments, at the same terms, of the just taxation corresponding to this taxation of 20s. for every pound land of old extent from the Nobility and Lairds in times past; and from the Burghs four payments in the corresponding proportion for the Burghs. That the vote was regarded as unusually liberal may be inferred from the language of the *Act anent the granting of the Taxatioun.* It is interesting also as illustrating the extraordinary deference to his Majesty which had become customary since his removal to England, and the feeling which the Scots had of their improved condition by the Union of the Crowns. "Forsamekle as the haill Estaittis of this present Parliament not onlie seis, bot to thair infinite conforte by daylie experience feillis, the monyfauld blessingis redounding to thame frome thair maist gratious Soverane, the sinceritie of quhois intentionis, richteousnes and wisdome in his actionis, and zeall to religioun and justice, haveing procurit to his Hienes the indoubtit favour of God and man, hes thairwith also bred to this his native kingdome so perfyte peax and universall prosperitie that nather the experience of the present nor memorie of ony bipast age is able to recorde ony preceding exampill quhairby ather the ordinar traffique and repair of people hes bene so frielie and commodiouslie dispersit to sa mony so far distant nationes (quhilkis, heirtofoir being onlie knawin to us by name, ar now, for the reverence and love borne be all people to oure most renowned King, sa favourable patent to all oure commerce as no people is more universallie acceptable and weilcum to all nationis), or that the bowellis and haill boundis of this kingdome wer evir so happelie purged of violence, enormitie, and disordour, and so universallie blessed with peace, justice, and christiane policie as, by the exceding cair, provydent directioun, and great charges of his maist excellent Majestie, is now establissit, so that we want na pairt of our wisched erthlie felicitie bot the desyrit presence of his most sacrede Majestie, quhilk to our unspeakable conforte his Hienes hes bene pleasit, by his wyse, humane, and most kind letter direct to the Estaittis, gratiouslie to promeis maist willinglie to remeid by his assured repair to this countrey so sone as the necessar impedimentis thairof can be removed: In consideratioun of quhilk so mony so great benefittis," —the Estates humbly offer his Majesty the above four years' Taxation.

Royal Letters, 1604-1612.

maid that no suspensioun salbe grantit whill he first enter in warde within the Castell of Edinburgh. Lyke as, for quieting of the rest of the Heylandis, the actis of cautioun for the generall band and personall compeirance ar revised, and executioun ordanit to pas aganis suche as hes not found cautioun, and all otheris to find the same; and all other directionis so wyslie sett doun by your Majestie thairanent and reported by your said Secretair ordanit to be putt in executioun.

We haif had the Commissionaris of the Bordouris afoir us, and hes ane new dyet appointed to thame and the speciall baronis and gentilmen of the three Marcheis again the 19 of this instant; at whiche tyme we hoip that suche goode ordour salbe tane for the perfyte satling of these boundis as sall rander unto your Majestie satisfactioun.

Archibald M'Coneill being committed to the Castell of Dunbartane, he hes laitlie brokin warde and eschaipit; wherupoun the constable being convenit befoir the Counsell, and granting his offens and oversight, with protestationis alwayes of his innocencie, the Councill hes committed him to the castell of Edinburgh, whill the forder knowlege of your Majesteis pleasour [*ante*, p. 283].

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The bipast oversight anent the intermissioun of the Counsell day for materis of Estate salbe repairit, and that day preceislie keepit in all tyme comeing; wherin nothing salbe treated nor handlit bot materis importing the quiet of the Estate, and actionis of pairty salbe referrit to the Thurisdayis Counsell.

Your Majestie wilbe gratiouslie pleasit to accept this oure moir then just excuse in goode parte, yf we haif not in so exact forme as your princelie wisdome hes sett doun performed everie thing belonging to your Majesteis service,—the desolate estate of the cuntrey in regaird of the universall plaguue, so as we could nevir haif ony setled residence or convenient directing of thingis, requiring a steadfast and continuall diligence but intermissioun. Bot now, yf it sall pleis God, as we hoip in his mercy he sall, to stay the devouring plaguue, we hoip with suche diligence to repair all bigane negligence as materis salbe done to your Majesteis contentment, to the peace and goode of this kingdome. Sua, recommending your sacred Majestie and all your royall progenie to Godis protectioun, we rest, &c."

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"After oure verye hairtlie commendationis to your goode Lordship:— We ar informed of a verie great insolence begun, and lyke to grow to a greater hicht, within the boundis of your Lordshipis office, be Johnne Gordoun, callit of Gycht, Forbes of Corsindae, Patrik M'Inneir, and some otheris; who having associat unto thameselffis ane nomber of deboscheit and laules lymmaris, calling thameselffis 'The Societie and Companie of Boyis,' they haif most unlauchfullie and seditiouslie bound thameselffis in ane fellowschipp with aithis, vowis, and protestationis of mutuall defence and persute, and that every one of thair quarrellis salbe commoun to all, and that the purpois and interprise of ony one of thame

Edinburgh, 20th Jan. 1607. Letter from the Council to the Marquis of Huntly, anent a "Societie of Boyis" which has formed itself within his bounds, and the necessity of his taking steps for supressing the same.

salbe prosequuted, bakkit, and followit oute be the haill Societie aganis all and quhatsomevir, without respect of personis. Lyke as thir same lymmaris keepis thameselfis togidder, committing open and avowed reiffis, heirshippis, and utheris enormities in all pairtis quhair they may be maisteris and commandaris. Quhilk proude and detestable attempt, as it is odious to be hard of in a peaceable estate, subject to a Prince whom God hes armed with pouer and force able to suppres the same, so the same caryis with it no little sclander and prejudice to your Lordshippis honnour and credit,—that within your boundis, quhair your Lordship may command, suche ane handfull of lymmaris dar presome to attempt suche interpriseis. And we ar certane that the knowledge heirof being broght to his Majestie will mak his Heynes wounderfully till admeir your Lordshippis lang patience and connivence in not apprehending, punisheing, and suppressing of thir lymmaris; and what constructionis may be made heirupon to his Majestie aganis your Lordship we remit to your Lordshippis consideratioun. Alwayes we ar heirby to requeist and desyre your Lordship that, with all convenient speede you tak ordour for apprehending of the saidis personis and some otheris the chiftanis of that lawles Societie, and present thame heir befoir the Counsell, and that your Lordship prosequute with fyre and swerd the haill raist of thair followaris, and nevir leaf af the persute of thame whill thay may be apprehendit, punist, and altogidder supprest, as you respect his Majesteis service, the peace of the cuntrey, and your awne credite, honnour, and reputatioun, and as your Lordship wald eshew that hard censure and constructioun whiche his Majestie may mak of your behaviour in this point. Sua we committ you to God."[1] Royal Letters, 1604-1612.

Whitehall Palace, 21st Feb. 1607. Letter from the King to Lord Balmerino, remonstrating with him and the Council for allowing prayers to be still offered up for the warded and condemned ministers, notwithstanding the previous proclamation to the contrary.

Richt trustie and weilbelovit cosine and councellour, we greete you weele:—We doubt not bot you do sufficientlie remember with quhat cair we did direct yourselff at your last being heir to haif a speciall charge and regaird to the observatioun of that our proclamatioun prohibiting the ministerie of that oure kingdome to mak mentioun of those otheris ministeris quho wer guyltie of that proude, contemptuous conventicle, and thaireftir of heich treasoun, in thair publict prayeris as for thair afflicted and persequuted bretherene. And, albeit by mony severall letters sent frome yourselff we wer putt in assuirance that the keeping of that proclamatioun sould be advertit unto, and that the transgressouris thairof sould be seveirlie procedit aganis according to the tennour of the same, yitt, nevirtheles, we do heir and hes ressavit particulair adveristment that in mony pairtis of that oure kingdome, yea in the very presence of some of oure awne Counsell, and in placeis very neir unto yourselff, those prayeris, in plane contempt of that oure proclamatioun, haif bene publictlie maid in pulpettis, and the pairtyis transgressouris nevir challangeit; whiche forme of connivence at thair doingis dois not onlie enbolden those ministeris and utheris of that functioun, upoun presump- Page 63.

[1] See Index, *sub voce* "Societie of Boyis"; and connect with entries relating to Gordon of Gicht and Forbes of Corsindae.

Royal Letters, 1604–1612.

tioun of impunitie, to misregaird oure commandimentis, bot also this greate oversight in our Counsell dois minister very just occasioun of offence unto us, in finding thame so cairles in a mater so neirlie tuicheing us and cairfullie directit by us. Quhairin, to freethe bothe yourselff and otheris of our Counsell of this just imputatioun aganis you, you most tak speciall tryale quhair this offence hes bene committed, and presentlie tak ordour thairwith by inflicting the dew punishement appointed upoun suche as salbe foundin to haif trespassit thairin, that so oure goode former opinioun of the cair and watchefulnes of oure Counsell thair in all our directionis may continew. And so we bid you hairtelie fairwele."[1]

Whitehall Palace, 21st Feb. 1607. Letter from his Majesty to the Council, anent the Earl of Athole and the broken men and sorners in the Atholl district.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—Quhairas we understand that the Erll of Athole is committit to warde in the castell of Edinburgh for not exhibiting befoir you of Johnne Dow M^cGillichallum and certane otheris brokin men and sornaris having thair stay, residence, and commoun resett within the boundis of Athole [*ante*, p. 508], we haif heirfoir thocht meete to signifie unto you oure will and pleasour that not onlie we wald haif you to detene the said Erll of Athole still in warde, and upoun no conditioun ony way releve him furth thairof quhill first those brokin men for whome he is chargeit be enterit, bot that you also call the cheif gentilmen and principall men of quality within the boundis of Athole befoir you ; and suche of thame as ather ar justlie suspectit of ony ressett of those brokin men, or whose stealling may mak thame be presented, we wald haif to be committed to some of your prisonis in lyke maner, thairin to remayne quhill, be the
Page 64. diligence of thair freindis and servandis, that oure cuntrey may be purged frome keeping within it ony of such dissobedyent subjectis. And, willing you upoun no respect, without exhibitioun of those people, to grant ony favour heirin, we bid you richt hairtelie fairwele.—To oure richt trustie," &c., *ut supra.*

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Whitehall, 2nd March 1607. Letter from the King to the Council anent the Isles, with a rebuke for their remissness in that business.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele :—Having long expected frome thense some advertisment of your procedingis in putting ordour to those Yllis affairis, which service being undirtakin be the Marques of Huntlie and Erll of Ergyle at thair last being heir, and by ather of thame severall offeris maid and presentit and divers conditionis demandit anent the performeing of that busynes, and the whole mater being so perfyted and putt in frame befoir thair depairtour frome hense as thair did nothing rest bot onlie to be concludit upoun thair, we must grittumelie mervell how as yitt thair is nothing done thairin, at least we nevir adverteist,—thair having so much space intervenit sen thair depairtour frome hense and repair thither; and the spring of the yeare having alreddy come, being the most fitt tyme for making of preparatioun and setting furth about that worke; and the late troublis sustenit this last yeare by the portionaris of the Lewis, and thair

[1] Connect with pp. 257–258, *ante.*

dangeiris still imminent and so muche feared by thame, being a very just caus to haisten and accelerat that busynes. Bot, yf heirin ony difficultie have occurred, so as, by reasoun of the Marques of Huntley or Erll of Ergyle thair excuse or refuse, the service as yitt is not undertakin by thame, then must we blayme your negligence in not deulie advertising us. For Princes will not inlaik servantis, and thair wilbe no defect of nomberis of oure wele affectionat subjectis, upoun the otheris ather excuse or refuse, willinglie to undertak and speedlie to performe that service. And, yf otherwayes it hes procedit of your cairlesnes that this mater hes ressavit so lang delay (which we can noway expect), we haif just caus to wearye to continew thus still a tutor unto you to remember so often oure directionis, as tutoris are accustomat to repeate thair lessonis to thair childrene. Willing you thairfoir to mak use of this oure admonitioun for saulfing you heirefter frome ony forder repruif at oure handis, we bid you fairwele.—To oure trusty and weil-belovit cosines and counsellouris, the Erll of Dunfermling, our Chanceller, and remanent Lordis and utheris of oure Counsell of Estate in oure kingdome of Scotland."

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Elinburgh, 3rd March 1607.

Letter from the Council to his Majesty respecting reproachful speeches made in the English House of Commons against Scotland in the matter of the proposed Union, thanking his Majesty for his resentment of the same, and submitting to him whether the whole business of the Union might not now be given up.

"Pleis your most sacred Majestie:—We, your most humble and loyall affectit servandis, having hard of some reprochefull speecheis utterit in the Lower House by some evill disposit spirittis to the dishonnour of this your Majesteis antient kingdome, and that onlie your Majestie had stand to oure defence, we haif, in all humilitie, by these presentis presumed to tak notice of the same, and to yeald your Majestie most humble and hairty thankis, not having committed ony thing aganis that State deserving suche injuryis, and far les worthy of so greate favour as it hes pleasit your gratious Majestie to vouchaif by vindicating us frome thair opprobrious calumneyis. It is no littill greif to us to heir quhat just causes of discontentment are ministrat unto your Majestie at all these meetingis for enforceing that Unioun, so greatlie hated by thame, and so little affected by us, except in that religious obedyence we aucht to your Majestie not to dislike onything that lykis you. And, if it may pleis your sacred Majestie without offence to heir our apologyis in defence of the honnour of oure cuntrey, we doubt not to mak it known (by the trew recordis of bigane tymes since this Yland hes bene first inhabited) that in no point of sinceir cristianitie to God, loyall obedyence to oure Princes, inviolat freindship with oure Confederatis, and unconquered libertie of oure Estate, we haif never bene inferior to thame. And, in the very subject of the Unioun, quhairin thay pretend so mony frivolous exceptionis that thair advantage salbe everie way greatair nor ouris, we wald be sorie to be authouris of distracting that whiche princelie wisdome and faderlie cair hes happelie contracted, havinge so deeplie takin in hairt so to unite these two kingdomes, joyned by natur, bot by affectioun altogidder distant, as no markis of diversitie betuix thame till the after comeing ageis sould appeare. Yitt we ar persuadit that oure just defence aganis these fals

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imputationis layed upoun all the natioun, not spairing your sacred Majestie nor your most royall progenye, nor your most worthie ancestouris of a hundreth and six kingis linealie descending of one stok, can not bot in your Majesteis accustomat justice ressave at your Heynes handis a favourable censure. And, yf in ony meeting, ather privat or publict, wherof we had mony about this subject, suche audience wes evir gevin to ony speeche ather dirogating to the honnour of that State or dissuading the Unioun,—howbeit thair be amang us not a few of the best sorte who ar als aliene from it as ony of the Lower House, and hes moir just caussis to be discontented with so easie obliterating of bigane wrongis,—latt it be til us a disloyall parte aganis your Majestie and unworthie of trew freindship aganis oure nichtbouris. Bot, contrary wayes, suche hes bene the diligent cair of your ministeris heir, upoun whome your Majestie is pleasit to repose the weight of your affairis, that, knowing your Majesteis earnist dispositioun to perfyte that Unioun, in all thair conferenceis thay haif laboured to extoll all the apparent benefeitis we mycht ressave thairby, and to conceal and suppres the trew illis. In doing quhairof, althocht we haif reported small thankis of those who so liberallie hes talked of us, or those who in so patient hearing did cleirlie manifest thair allowance of all wes spoken, yitt your Majesteis resenting oure wrong and urgeing the tryale and punisheing thairof is more nor sufficient recompence, yf oure lyves and all oure fortounis sould be endangerit in onything myght yeald your Majestie satisfactioun. And, gif (under your Majesteis correctioun, to the which we submit ourselffis) your Majestie wald be pleasit to desist frome ony forder moving of that Unioun, and mak knowne to that Estate that the haill inhabitantis of the Ile ar your Majesteis subjectis, and that in all your serviceis and imployments you will indifferentlie prefer those whome your Majestie in your wisdome sall find most capable, [and] that your Majestie will vouchaif to grant us with your residence amang us sometymes, and seclude us frome no favour your Majestie in your royall prerogative may gif us and wherof we sall render ourselffis by oure cairfull and loyall deserving to prove worthy, we doubt not bot thay sall require at your Heynes handis that which by this enforced dealing thay wald appeir to refuse. Bot this, and all other thingis tending to the libertie and honnour of this your Majesteis antient kingdome, we remitt to your Majesteis most rair and princelie wisdome: humblie requesting your Majestie to tak in goode parte these our most humble thankis, having nothing els to offer your Majestie for all your undeservit favouris bot our most loyall hairtis, whiche sall nevir deborde frome the smallest of your Majesteis thoghtis. Thus humelie craving pardoun of this oure presumptioun, we pray God to grant your Majestie, efter a lang and happy regnne, eternall felicitie."[1]

[1] The great business of the Union, which the King had so much at heart and which he had urged so earnestly on his first English Parliament, had been dragging itself slowly through both houses of that Parliament, and had been resumed more vigorously, in con-

Whitehall, 5th March 1607.
Letter from the King to Secretary Balmerino as to supplying the place of those parochial ministers who are still detained in England.

"Richt trustie and weilbelovit, we greete you hairtlie wele:—Wheras, for some speciall caus of oure service and for the wele, benefite, and quietnes of the Churche of that oure kingdome, we haif thoght meete to reteyne these particular ministeris, whose names you sall ressave within closed, some certane space still in this kingdome: to the effect thair congregationis and flockis want not the preacheing of the Worde now in thair absence, it is oure speciall pleasour and will that you gif speciall directioun to those presbitryis quhair the saidis ministeris did remayne, willing thame by vicissitudes and turnis to caus the brethrene of that presbitrey supplee the absence of thair brother by preicheing the Worde, and ministring of the sacramentis to his congregatioun and flocke; whiche being a deid full of brotherlie love and godlie charitie, we putt no doubt bot men of thair functioun will most willinglie undirgo it. And so we bid you richt hairtelie fairwele." Royal Letters, 1604–1612. Page 66.

Edinburgh, 11th March 1607.
Letter from the Council to his Majesty as to infefting Lord Scone in the Priory of Elcho.

"Most gratious Soverane:—Whereas the Lord of Scone, your Majesteis Comptroller, is to mak sute to your Heynes for ane infeftment of the priorie of Elcho, to be granted be your Majestie to him and his airis, Page 74.

sequence of a new appeal of the King, in the Session which began on the 18th of November 1606, and which, after adjournment on the 18th of December, reassembled on the 10th of February 1607 (Scottish dating). For the King's own speeches on the subject in that Session, and for other speeches *pro* and *con*, including a great speech in support of the Union and the naturalisation of his Majesty's Scottish subjects by Sir Francis Bacon, then English Solicitor General, see Cobbett's *Parliamentary History*, i. 1075–1119. The immediate occasion of the present letter of the Scottish Privy Council to the King is there explained. It was the behaviour in the House of Commons, on the 13th of February 1607, of Sir Christopher Pigott, one of the members for the County of Bucks. "When some memorandums about the Union were offered to be read, and a dispute arose whether all at once or separately, this knight, with a loud voice, and not standing up with his hat off, as the order is, pressed to have them read generally, concurring in this with the opinion of severall others. But the House, say the *Commons' Journals*, observing his manner of sitting, and calling for order's sake, urged him to stand up and speak, if he was desirous to make known his opinion. Upon which he arose; and, pretending at first to deliver some reasons why he pressed the reading of the remembrances generally, he afterwards entered into a bye-invective against the Scots and the Scottish nation, using many words of scandal and obloquy ill-beseeming such an audience, and not pertinent to the matter in hand. As:—'Let us not join murderers, thieves, and the roguish Scots with the well-deserving Scots: as much difference between them as between a judge and a thief. He would speak his conscience without flattery of any creature whatsoever. They [the Scots] have not suffered above two Kings to die in their beds these 200 years. Our King hath hardly escaped them; they have attempted *him*. Now he is come from amongst them, let us free him from such attempts hereafter, &c.' The House, we are informed, were so amazed at this speech that they stood staring at one another, and took no notice of it for that time, but let it pass without tax or censure. It was not till the 16th of February that the House bethought themselves of this insolent speech, when the words of offenc contained in it were particularly recited. But this seems to have been spurred up by a message from the King."—The result was that Sir Christopher was committed to the Tower by order of the House, and declared to have forfeited his seat as knight of the shire for Bucks.—Though the Scottish Privy Council had mainly in view this insult of Sir Christopher Pigott, the language of their letter implies that they were dissatisfied generally with the tone of the English speeches in Parliament respecting Scotland and the Scots, and would have been glad to hear that his Majesty was tired by this time of the whole subject of the Union.

Royal Letters, 1604–1612.

he having alreddy satisfeit the present titular for his kyndnes and possessioun, we haif thocht meete to acquent your Majestie with the nature and conditioun of his sute, that your Heynes, being advisit thairin, may sua dispose thairupoun as to your princelie wisdome sall seame expedyent :—He being heritable proprietar of the new mylne of

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Cashe with the mil landis and pertinentis of the same, lyand contigue at the north syde of your Majesteis wode and park of Falkland, extending in yeirlie rent to xxiiii bollis of maill and tuelf caponis, he hes resignit this mylne with the landis thairof in your Majesteis favour, to remayne with your Heynes, and to be imparked and conjoyned to your Majesteis said park in all tyme comeing, and that in excambioun and contentatioun of the said priorie of Elcho to be gifted be your sacred Majestie to him, —the estate quhairof and the haill full rent of the same is drawne up be your Majesteis Collector ; whilkis your Heynes will ressave under his hand. And sua, conferring the rent of the ane with the other, and respecting how commodious and ewest this milne and landis thairof lyis to your Majesteis wode and park of Falkland, your Majestie may accordinglie considder his sute.—And sua, craving pardoun of this our presumptioun, we pray God to blisse your Majestie with a lang and prosperous reignne."

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Edinburgh, 16th March 1607.

Letter from the Council to his Majesty anent the escape of Archibald MacConnel from Dumbarton Castle.

"Most gratious Soverane :—Your Majesteis Counsell being convenit to have a cleir discoverie of the forme of Archibald M^c^Coneillis eschaip furth of the castell of Dunbartane, and the Constable of the said castell and the Laird of Ardincaple being very instant in the urgeing of thair awne tryale and purgeing thamselfiis of the suspitioun quhilk thay undirlay in that mater, wherupoun your Majestie hes tane occasioun of offens aganis thame [*ante*, p. 283], Ardincaple, for his justificatioun and cleiring himself of these imputationis and presumptionis, objectit aganis him as being upoun the foirknoulege and consent of the said Archibaldis eschaip, seeing he wes transportit over Clyde neir to his house and be some of his servantis, he, without ony chargeis, warrand, or directioun, exhibited heir befoir your Majesteis Counsell all these his servandis aganis whome thair wes ony kynd of suspitioun. Who being examinat, re-examinat and confronted, we can find in thame no appeirance nor suspitioun of thair foirknowlege or help to the said Archibaldis eschaiping furth of the said Castell, and no kynd of presumptioun aganis Ardincaple himself. In one onlie, named Robert Buntyne, we find some favour showne to the said Archibald at his comeing to the ferrey syde, by uttering of some foolishe speecheis to the ferryaris that thay micht transport him without hasaird. This is a young foolishe boy, not capable of ony greate fraude or policie, and altogidder ignorant what micht be the event of suche doingis. Alwayes we haif him under cautioun of j^m^ merkis to be ansuerable whenevir he salbe callit for; and sua, quhatevir salbe your Majesteis princelie censure of him, we sall see it accordinglie ressave executioun. Anent the Constableis parte, we can lerne nor try nothing

aganis him as being prevey to this turne ; and treulie we presome so fer of his awne credite and honnestie that, in regaird of the greate favouris he hes ressavit of your Majestie, he wald nevir prove so undewtifull and disloyall. Thair hes bene some negligence in his servandis in geving truste to the said Archibald, who wes unworthy of ony truste; and in that the Constable, for himselff and his servandis, acknowlegeis and confessis his errour and oversight, and he humelie cravis your Majestie pardoun for the same. And we wilbe bauld in all humilitie to be intercessouris for him, and that it wald pleis your gratious Majestie to relax him of his warde ; and we hoip that his oversight shall teache him to be moir circomespect in his cariage in all tyme heirefter. Alwayes remitting this to your Majesteis gratious and favourable consideratioun, we end with our humble prayeris for your Majesteis preservatioun in health and felicitie." Royal Letters, 1604–1612. Page 68.

16th March 1607. Letter from the Council to his Majesty anent the Marquis of Huntly, who has avoided the summons to appear before the Council by going into England and appealing to his Majesty himself.

"Pleis your most sacred Majestie :—According to your Heynes directioun anent the confyneing of suche noblemen who ar suspect to be of a contrair religioun, we causit charge the Marques of Huntley to compeir befoir your Majesteis Counsell upoun the 19 of this instant, and with him the Bischoppis of Abirdeyne and Murray, and the minister of his awne parroche, to haif borne record of his behaviour. In the meantyme, without the knowlege or consent of ony of your Majesteis Counsell, he is quietlie gone by us towardis your Heynes, and thairby to frustrat this dyet, whiche we mon suffer to desert. Yff he had abiddin the tryale of the Counsell, we sould have followit that course with him whiche your sacred Majestie hes so wyislie prescryved and sett doun ; bot, seeing he is absent, and hes maid his addresse to your Majestie, we will remitt him to your Heynes awne princelie censure. Alwayes, seeing this may be a preparative to other noblemen who ar cited befoir your Majesties Counsell, under the pretext and cullour of thair repair towardis your Majestie, to disapoint the dyetis and caussis of thair cautioun, we will humelie intreate your Majestie to latt us know quhat course your Heynes will haif to be tane with him and otheris who in the lyke degree sall offend ; which we sall accordinglie putt in executioun. We gatt not knowlege of his depairtour whill of lait ; whiche is the caus that your Majestie hes bene so lang unacquented thairwith. And sua, praying God to blisse your sacred Majestie with a long and prosperous regnne, we rest, &c."

Royston, 16th March 1607. Letter from the King to the Council requiring them to forbear all action against the Marquis of Huntly on former charges while he is

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele :—Quhairas we did formarlie certifye you how much we wer offendit at that your slawnes in not putting ordour to those Yllis busynes, this present seasoun of the yeare being the onlie fitt and proper tyme to begin that service ; wherin undirstanding that the default is noway in oure richt trusty cosine and counsellour, the Marques of Huntley, who hes evir bene most willing, upoun the conditionis formarlie sett doun heir, to undirtak the same : We ar thairfoir to will you, immediatlie upoun the Page 69.

Royal Letters, 1604-1612.

said Marques repair bak thither, to caus putt ane end to that busynes, and to aggree with him, alswele upoun conditionis to be promised as upoun those that ar to be demandit of him for accomplisheing that service. Wherein knowing how muche the bringing of those Yllis to obedyence will importe to the contentment and proffeit unto us, and in this respect we being unwilling that the undirtakair thairof during the tyme of his service sould in ony sorte be diverted or drawne away frome the same, since his awne personall presence no questioun wilbe a verie greate help and furtherance thairto : thairfoir it is oure pleasour and will that, since the said Marques of Huntley is imployed in that oure service, that not onlie all chargeis direct by you for his compeirance to ansuer for ony preceding caus befoir the date of these presentis, bot alsua that ordour whiche is to be tane anent his confyneing, may be suspendit and continewit, and everie suche thing as may in ony sorte be ane just excuse of his defectioun of the service may be also spairit and forborne induring the tyme of his said imployment. Wherin it salbe also fitte that you do certifie oure pleasour to the Commissionaris of the Generall Assembley, that thay direct the presbitryis in the North to desist frome all citing of the Marques in the tyme of that his imployment in oure service, wherinto his awne presence is so necessarie. So we bid you fairwele." engaged in the business of the Isles.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele :—We ressavit that your letter of the thrid of this instant, signifeing the greif that is consavit by the subjectis of that oure kingdome upoun those speecheis utterit in the Lower House of Parliament heir, thairwith also declairing your trew and loyall affectioun to oure service and willing obedyence to oure goode pleasour [*ante*, p. 512]. Whiche as we evir intend for your benefeete and weele, so thoght we goode to certifie you that with that your letter we wer wele pleasit and contentit. Bot, as the commoun proverb goeth, 'The devill is not so blak as he is callit'; so these speecheis of Pigottis wer not altogidder so hard as thay have bene reported or adverteist unto you. And, albeit thair wes moir then most sufficient caus bothe to tak exceptionis and to be offendit with thame, yitt not onlie in the begynning, but also in the end thairof, he maid speciall declaratioun that his meaning in those speecheis wes not aganis that whole natioun, bot onlie aganis the worst soirt of people thairin, who ather had nevir bene under obedyence, or then suche as had thair bloode stayned with the detestable blot of treasoun.—And, indeede, amang suche a nomber as in that House wer then convenit it is nouther wounder nor novalty to see some personis perhapis of small discretioun and distemperit humour. Bot, howsoevir the reporte of those speecheis micht haif come to you, yitt the taciturnitie of the rest of that House and that he wes not presentlie ansuerit is by you very far mistakin, and your informaris thairin have wronged thame muche; for that procedit of nothing ellis bot thair amaisment and wondering at the indiscretioun of the pairty. And, as every one in the House did think it to be the Speikaris

Royston, 17th March 1607. Letter from his Majesty explaining the circumstances of Pigott's speech in the English House of Commons in disparagement of Scotland, and what the House has done therein

dew and proper task to have ansuerit him, so the Spekair had his awne pretens of excuse thairin, in respect that, upoun occasioun of formair grudge betuix Piggott and him, nather had spokin with the other some foure or fyve yearis befoir, and, yf then upoun a suddantie he of all utheris sould haif upbraidit Piggott for his folie, it wold have bene malitiouslie construed of mony as being done upoun inveterat malice, and (no doubt) wald haif procured to the Spekair ane unquiet house at home with his awne wyfe, who is suster to the other.—And the pairtyis absence on the morrow wes the onlie reasoun quhairfoir nothing wes done in the censureing or punisheing of that fact; bot, the nixt day thairefter, he being speciallie chargeit to compeir, the forme of the proceiding of the House aganis him did cleirlie manifest thair consavit greif and disallowance of the speecheis utterit. For, whenas he wes broght to the bar befoir thame, it wes universallie concludit by the whole House that, without uttering of ony specialtye or repeating of the former wordis by him delyverit, and without suffering him to mak ony defence or apollogye, upoun thair awne knowledge of his guyltynes (being heiraris of these wordis utterit so indiscreitlie by him), without putting it to questioun quhidder he wer guyltie or not, thay all *una voce* aggreit that not onlie he sould be committit to the Toure of Lundone, bot alsua be disfraunchised,—that is, be maid uncapable to injoy ony place in that House: thairby inflicting upoun him not onlie corporall punishement of imprisonment, bot alsua shame and infamye,—haveing causit a recorde to be maid thairof for a memorie to all ensewing ageis. Then whiche punishement the Lower House by thair power could not afflict a greatair; as indeid the lyke severitie hes not bene used these mony ageis past. Wherby you may cleirlie persave, and we will heirwith assure you, that no moir willinglie sall you regaird the continuance of that amitie in a brotherlie love with your nichtbouris whiche aucht to be commoun amangis oure subjectis then thay on the other parte wilbe evir reddy on all soirtis to gif you a dew meeting. Whiche you sall credite moir then ather the babling reporte of a passinger or ony uncertane advertisment frome hense. And so we bid you richt hairtlie fairwele.—To oure trustie and weilbelovit cosine and counsellour, the Erll of Dunfermling, our Chancellour, and remanent Lords and utheris of oure Counsell of Estate in oure Kingdome of Scotland." [1]

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26th March 1607. Letter from the Council to his Majesty anent their conference with the Marquis of Huntly.

"Pleis your sacred Majestie:—According to your Majesteis directioun and letter of the 16th of this instant, we had afoir us the Marques of Huntley, and conferrit with him at lenth anent the busynes of the Yllis.—And, after some verball discourses past thairanent, we fand it meete and expedyent, alswele for formalitie as that a record micht be keepit of procedingis, that some questionis sould be gevin in write to the Marques, to be ansuerit agane be him in write; whiche wes done [*ante*, pp. 341–2].

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[1] See *ante*, pp. 513–514, footnote. The Speaker of the English House of Commons, to whose relations with Sir Christopher Pigott his Majesty refers so facetiously, was Sir Edward Phellips, one of the members for Somersetshire.

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Thir questiounis and ansueris, with oure opinioun anent the same ansueris, we haif send up to Mr Alexander Hay, who will imparte the same unto your Majestie at lenth. We haif appointit the last of Aprile nixt to come to the Marques for his personall compeirance befoir the Counsell to ressave thair determinatioun anent his demandis; wherin we could do nothing at this tyme without your Majesteis awne allowance and advise; and thairfoir we most humelie beseeke your Majestie to latt us know how fer we sall go with the Marques in thir his demandis, to the effect that at this nixt dyet we may tak some settled conclusioun with him thairanent. And sua, praying God to blisse your sacred Majestie with a lang and happy reignne, we rest," etc.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—As we did of befoir by our letter recommend unto you the removing of the evill will and feid betuix Mr James Home of Ecclis and Haitlie of Mellestanis and his kin and freindis,—wherin, by ressoun the offer of satisfactioun procedis frome the said Mr James, who now, in respect of our pardoun grantit to him, is free frome all dangeir,—we can not bot mervell muche upoun what consideratioun the freindis and kynnisfolkis of the said Laird of Mellestanes thus sould delay the ending of that appointment and reconsiliatioun of the said feid, since the said Mr James induring lyfe standis in no dangeir of capitall punishement for the slauchter committit, and efter his deceis thair can no assyithment be demandit: so as heirby it is cleir that thair is a very proper and fitte occasioun pretermitted be the freindis of the said James Haitlie of Mellestanes, who now may haif something to the help of the provisioun of his brether and susteris,—wheras efter the deceis of the said Mr James thay can challange nothing. Alwayes, for the suirtie of oure peace thair, we have thoght meete of new to recommend that mater unto you, that you will insist for a reconsiliatioun of that feid and removing of all soirt of questioun, eleistis, and debaittis betuix those pairtyis. And, willing to be particularlie certifyed be you quhat hinder and impedimentis do occur thairin, that we may provyde remeid thairto, we bid you fairwele." [See *ante*, pp. 347, 351].

Whitehall, 3rd April 1607. Letter from his Majesty to the Council for removing the feud between Mr James Home and Haitlie of Mellerstanes.

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"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—Quhairas it is certifyed unto us that chargeis ar alreddy rasit and ar to be rasit and execute at the instance of the Comptroller of oure rentis in that oure kingdome aganis the marcheantis alswele of the toun of Edinburgh as of other burrowis and cityis within the same, tradaris betuix this oure kingdome and that, and transportaris of the commodityis of the one to the other, for payment of all suche customes dew for goodis transported thense to have [been] broght hither, and imported thairfrome hense: for whiche, by generall ordour gevin to the officiaris of ather of oure kingdomes, we had commandit bandis to be takin frome the marcheantis of ather cuntrey, in sa fer as the goodis exported furth of ony of the same

Whitehall, 3rd April 1607. Letter from his Majesty to the Council anent the custom on English wares.

wer for the use of the other kingdome, and that for introductioun of a forder unioun betuix these realmes and removing of all markis of separatioun betuix the same. And we cannot bot mervell muche how this oure intentioun of the going fordwart of that Unioun, and of the taking of these bandis for our customes, whiche is onlie oure privat prejudice and wherof we intend noway to mak ony gayne, sould ony way by oure knowlege and directioun be altered. And thairfoir oure pleasour and will is that you speciallie command the said Comptroller, and otheris his undirofficiaris or takkismen of the customes, that thay in no caise use ony forder executioun of the saidis letters rased by thame for payment of the saidis customes, bot that you discharge thame simpliciter of the same, ay and quhill by our speciall command to be direct to thame for that effect thay may haif warrand to proceede thairin. And sua we bid you fairwele.—To our trustie," *ut supra.* [See *ante*, p. 347]. Royal Letters, 1604–1612.

Whitehall, 7th April 1607. Letter from his Majesty to the Council: again in the matter of the Marquis of Huntly, his non-conformity in religion, and his service in the Isles.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you hairtilie wele:—We haif sene your letter with the note of these your procedingis in the Yllis affairis with the Marques of Huntlie [*ante*, pp. 341–2], and allow wele of your adviseis concerning his ansueris to your questionis. Wherupoun we haif thoght meete to acquent you heirby of oure pleasour and will in that particulair, and efter quhat forme we wald haif you to proceede with him, the last of April now approcheing being the appointit day for his compeirance befoir you. For, albeit we hald those his ansueris maid to your demandis altogider frivolous and no way to be respectit, yitt, becaus he offeris to conforme himselff to quhatevir we will amend thairin, we thoght fitte to certifie you that, as we do disallow the most parte of thame all, so will we nevir yeald to ony suche long space of nyne yeiris for accomplisheing that worke,—yea, noway will condiscend to grant two yeiris for that effect,—willing him ather to undirtak the finisheing of it this present yeare, or then we must justlie think that he craveis no other thing bot delayis in that mater. And thairfoir wald haif him ather voluntarlie to offer the lyke conditionis for those Northerne Yllis to those offerrit by the Erll of Ergyle in his service in the Westerne Yllis, or then some other course must be resolved upoun be you how that service may be effectuat by some other without imploying of him thairin. And, howevir that oure favour or dispensatioun, mentionat in that oure letter sent with him, hes bene throuch ignorance and sinistrous reportis muche misconstrued, yitt do we nather intend to gif unto every one satisfactioun thairin, nor will conceale frome you the just reasoun that induceit us thairto. For, as it wes nevir ony way oure intentioun to stay that forme of confyneing alswele of him as of all other noblemen and otheris suspectit of religioun, or other wayes that decreitis sould not be recoverit of suche sowmes and penaltyis as, ather upoun breache of thair bandis or thair not communicating, wer dew unto us, so ar we unwilling that thair sould be ony stay of tryale-taking quhidder thair be ony just caus of the said Marques confyneing or not: for the whiche Page 71. Page 72.

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purpois, that it should ressave no langer delay, we haif, by our speciall letter directit to the Bischopis of Abirdene and Murray, willed thame to attend you at that your meiting the last of April next, als weill to informe you of the Marques his bipast behaviour and cariage as to advise whiche is the nixt best course to be takin in cais the Marques sould gif sufficient satisfactioun anent his undirtaking of the said service of the Yllis. Which we wald be laith sould rest unperformed upoun reasoun of the Marques his confyneing: since his stay in those pairtis quhair the service is to be done is a greate deale les hurtfull then yf he sould stay within the boundis wher he is to be confynned. Nather is this dispensatioun with his confyneing ony way intendit for ony space ather befoir his entrie in service or efter the accomplesheing thairof; bot bothe it and the chargeing of him for those penaltyis and sowmes incurrit by him, howevir thay may be for a space spaired and differred in the tyme of the service itselff and upoun report thairof only, yitt ar thay noway dischargeit, bot the said Marques may be burdynnit with thame whenevir we sall undirstand the service ather not begun or then finished.—So, willing you to putt that mater of the Yllis schortelie to some poynte, we wald not haif you in the meantyme to leave of your insisting bothe aganis the Marques and all other noblemen suspectit, ay and whill, upoun his accepting of the service and entering thairin and gevand unto you contentment in all conditionis for performance thairof, we may then for some shorte space, as the said service salbe in doing (whiche we intend salbe verie shorte),

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grant unto him some dispensatioun frome the ordour of confyneing, and suspensioun of chargeis for penalteis incurrit be him, since it can no way be so hurtfull as the quieting and reduceing of those Yllis to obedyence wilbe mony wayes beneficiall.—And, as heirin no forder favour is grantit unto him then to a malefactour apprehendit and condemned, who, nevirtheles, upoun hoip of performeing of some piece of goode service, procuris some differing bot not dischargeing of his executioun, so we doubt not bot you do easilie consave upoun quhat just ground we haif bene moved to graunt that favour to the said Marques. Whiche is never at all yf he sould not go about that service; nather will it ony way serve him for ane exemptioun ather befor his entrie in service or after ending thairof. And, indureing the tyme of his remaning thair in service, we holde it is a moir hard forme of confyneing then it whiche is to be imposed to him, so as he may brag verie litle of ony favour he hes thairin.—And so we bid you hairtelie fairwele. To our richt trustie," *ut supra.*

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—The repoirt of that late disordourlie misbehaviour of some ministeris in that lately keepit Synode of Perth [*ante*, p. 348 and footnote] having gevin unto us moir then just caus of offence, as we can not bot thairin muche commend your cairfulnes in directing these chargeis of hoirning aganis these distemperit brethrene of the ministerie,—for the whiche we do gif unto you oure hairty thankis,—so, since this proude

Royston, 20th April 1607.

Letter from his Majesty to the Council anent punishment for the proceedings in the late Provincial Synod of Perth.

contempt, remaning unpunished, must needis produce, upoun the example of thair impunitie, a grite bauldnes and audacitie in otheris to offend, it is thairfoir our will and pleasour that, immediatlie upoun the ressett heirof, chargeis of hoirning be direct by you in our name, chargeing and commanding the brethrene of the presbytrie of Perth that thay speciallie chuse and elect Mr Alexander Lindsay to be thair Moderator, dischargeing and prohibiting under the same pane ony uther minister within that presbytrie to accept the said office of Moderator upoun him. And thairwith that each presbytrie within that Synode be commandit and chargeit, under the pane foirsaid, that thay nor nane of thame acknowlege nor putt to executioun the Actis and conclusionis of that late Synode at Perth. And als that you caus speciallie charge Mr Henry Levingstoun, pretendit Moderator chosin at the said Synodole Assembley, togidder with Mr William Row, Moderator of the preceiding, to compeir befoir you, and, after taking tryale of thair contemptuus and unordourlie misbehaviour, and of the abuseing of our trustie and weilbelovit cosine and counsellour, the Lord of Scone, our Comptroller, at that meeting, that thay be committed be you within oure Castle of Blaknes, thair to be retenit quhill our forder pleasour and will be knowne. And, becaus our said Commissioner hes bene so irriverentlie regairdit at that meeting of those ministeris in that Synode of Perth, it is thairfoir oure pleasour and will that all keeping of that Synode heirefter be expreslie prohibite and dischargeit by proclamatioun, ay and quhill that, upoun advertisment maid unto us of sufficient satisfactioun maid by thame for that thair offence alreddy committed, we may be moved to gif unto thame licence and toleratioun for keeping of thair Synode. And, forasmuche as efter the dissolving of that Synode of Perth thair wes immediatlie thairefter a prevey conventicle keipit by those ministeris, authouris of the other misbehaviour, wherin quhatevir wes done by Mr Williame Row in the former wes then approvin, and directioun gevin to intimat thair resolutionis to the rest of the Provinciall Assembleys within that oure kingdome, we ar thairfoir to recommend unto you the taking tryale particularlie of those that did meete at that conventicle, and to proceid aganis thame in rigour according to the warraunt of oure lawis thair. And, since the cairlesnes of magistratis within burghis and citeyis hes much emboldenit the foolishe soirt of the ministerie within the same to speeke oftymes too rashlie and unadvisedlie, sometyme by reason of the magistrats absence frome service, and presomeing, albeit he wer present, that nevirtheles he wald not controll thame howsoevir liberallie thay sould speik ather aganis us or oure Estate: for which caus oure will is that it be publissed by proclamatioun that the magistratis within each burgh or citie in that oure kingdome, at least some of thame, be present at everie sermone to be maid within ony of those cityis and burrowis, and sall gif warning to all suche as sall ather preache or exercise within the same to abstene from all mater invective or ony way dirogatorye to the Actis of the Generall Assembleyis maid for the peace of the Churche,—namelie of

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those wherat ather we or our Commissioner wes present. And, in caise ony whosoevir, ather in preicheing or exercise, sall heirefter happin to offend in ony of the pointis, that then the magistrat thairof sall dilait the same to oure Counsell, and gif sufficient informatioun thairof, and furneis probatioun of the same, and that within aucht dayis efter ony suche thing be utterit, under the pane of horning. And, willing you to haif a speciall cair with all expeditioun for the dispatcheing of thir oure directionis, we bid you hairtelie fairwele.—To oure trustie and weilbelovit cosines and counsellouris, the Erll of Dunbar [? Dunfermline], our Chanceller," &c., *ut supra*.[1]

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Quhairas we did dispone unto oure trustie servitouris, Sir George Ramsay and Thomas Lummisden, the landis of Stalfoorde and Haldenrig, which in the former tyme of the divisioun of the kingdomes wer debeatable, and thay having thair grant of these landis past under the great seillis of ather oure tua kingdomes, and as yitt haif not ressavit the possessioun of the same, we ar heirby to desire you to gif directioun to the Shereff of that shyre adjacent to the same, and to the Commissionaris of that syde of those lait Bordouris, to posses oure saidis servitouris in the saidis landis quhilkis in former tymes were debeatable and presentlie can no way be lauchfullie acclamed by ony, and to manteyne thame in the said possessioun, aye and whill the same be lauchfullie evictit frome thame by the ordiner course of justice. And so we bid you fairwele."

Whitehall, 3rd May 1607. Letter from his Majesty to the Council anent Sir George Ramsay and Thomas Lumsden.

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"Most sacred Majestie:—Upoun the last of Aprile, which wes the dyet appointit to the Marques of Huntley for the affairis of the North Yllis, we had a lang dealing with him thairanent. Wherin he hes gevin a reasounable satisfactioun in all that wes demandit of him, except onlie in the yeirlie dewytie; upoun whiche point he standis verie strait and pretendis some difficultie, be ressoun he hes tane the service in hand upoun his awne chairgeis, and in the prosequtioun thairof will be driven

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to grite expenssis. It wes lang or he wald come to ony other offer bot the auld dewytie, and to draw him on we maid ane offer to him of the haill North Yllis, except Sky and the Lewis, for x^{m} lib. of yeirlie rent; which we thoght to be ansuerable in proportioun to the dewtie payit be the portioneris of the Lewis, according to the computatioun of the landis in quantitie and qualitie; and in this offer we wald lykewayes have used a reasounable mitigatioun yf he could haif bene induceit to haif maid ane offer accordinglie. Bot, for all that we could do with him, he wald nevir exceede iiii^{c} lib. Scottis in his offer; and in this onlie point we differ with him, as moir particularlie your Majesteis Secretair will informe your Sacred Majestie; to whome we haif send the autentik in write of our demandis and of the Marques offeris. We

Edinburgh, May 1607. Letter from the Council to his Majesty anent the Marquis of Huntly and his offers for the Isles, with other matters.

[1] Connect this letter with the records and footnote *ante* pp. 347–351 and p. 362.

looked for the Bishopis of Abirdeyne and Murray to this dyet, according to your Majesteis directioun send to thame be the Bischop of Ros ; bot thay haif boith excused thameselffis, the ane be seiknes and the other be some necessair impedimentis ; and sua, be reasoun of thair absence and want of informatioun, we wer constranit to superseede all proceding aganis the Marques anent that point of your Majesties letter tuicheing his obedyence to the Kirk, and in the meantyme we haif send letters to the Bishopis to summond the Marques to ony competent day heirefter that thay pleis appoint ; at whiche tyme, yf thay compeir, we sall follow oute that course whiche your Majestie of your princelie wisdome hes so gravelie sett doun and prescryved, according to the licht and informatioun which we sall ressave of thame.—Your Majesteis haill directionis anent the disordourlie misbehaviour of the Synode of Perth ar dispatcheit, and we sall see thame ressave executioun accordinglie.—This is the compt of our procedingis at this meeting ; and sua, resting to your ansuer anent the Marques offer of the yeirlie dewitie, we end with our humble and hairty prayeris to God for your Majesteis lang, happy, and prosperous reignne." Royal Letters, 1604–1612.

Whitehall, 20th May 1607. Letter from his Majesty to the Council retracting his former letter anent Sir George Ramsay and Thomas Lumsden.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele :—Nothwithstanding that we, by oure formair letter writtin in favouris of Sir George Ramsay and Thomas Lummisden, did will you to gif directioun to the Shereffis of Beruik and Roxburgh, or ony of thame in whose boundis the landis of Stowforde and Haldenrig disponit to thame dois lye, to posses the saidis Sir George and Thomas in the saidis landis, and to reteyne thame thairin whill the same were evictit frome thame by law : yitt, understanding since that the verye same landis ar presentlie debaitable and the questioun of the richt of the same in dependance befoir the Baronis of oure Exchekker heir, and we being unwilling to prejudice ony of the two partyis in thair just ryght, [we] have thairfoir thocht meete heirby to will and desire you that, notwithstanding of that oure uther directioun, you noway gif ony suche command for possessing of the saidis Sir George and Thomas in the saidis landis whill that first this sute in law depending anent the same landis in the Court of Exchecquer be discussit and putt to a poynt, or that, by oure directioun to be heirefter sent unto you, you be certifyed of oure pleasour and will. So we bid your fairwele." Page 85.

Whitehall, 20th May 1607. Letter from his Majesty to the Council: again in the matter of the Marquis of Huntly and his service in the Isles.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—Having considderit your letter, with that note of your procedingis with the Marques of Huntley the last of Aprile, concerning that oure service of the North Yllis, we do thairin mervell muche that in so schorte space so great difference sould kyith betuix his first and last offeris,—we nevir meaning this busines to prefer the Marques in this imployment to ony of [our] other subjectis, bot being most willing that the offer of a greatair suirtie for performance and of moir dewtie unto us salbe acceptit and preferrit befoir that whiche is maid by him ; and yitt not so as thair Page 77.

Royal Letters, 1604–1612.

sould be ony delay or protractioun of tyme in the present prosequuting of the service upoun expectatioun of greatar offers to be maid heirefter, we desiring rather something to be presentlie in doing then that upoun incertane hoipis all sould be omittit. And thairfoir, you having anes assuirit that point of his offer concerning the tyme of accomplissing thairof, you ar to injoyne to the said Marques that, in that point of his offer anent the extirping of the barbarous people in those boundis, he speciallie undirtak and bind himselff to extirpat and rute oute the Captane of Clan Rannald, with his hole clan and thair followaris within the Ilis, or Knoydert or Moydert, and als M^cNeill Barra, with his clan, and the hole Clan Donnald in the North; and forder that the said Marques be speciallie bundin to assist and concur with the gentilmen partinaris of the Lewis aganis thair enemeyis whatsomevir, ather in the

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Yle of Skye, Yle of Lewis, or in ony uther part of the North Yllis; and als that the said Marques, befoir the expyring of the yeare, sall plant those Yllis with civile people and noway ather with Badyenauch or Lochquhaber men. And heirwith oure will is that in the exceptioun of the Yllis of Skye and Lewis that part of the Lewis callit the Hereis, togidder with all suche small Ylandis as ar thocht onyway to belong and apperteyne ather to the Skye or Lewis, be speciallie contenit and expreslie exceptit. And, remitting the cair heirof unto you, [we] bid you fairwele.—To oure trustie," &c., *ut supra.*

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"Traist freindis, efter oure hairtlie commendationis:—Quhairas the Synode of Fyffe wes appointit to be keipit and haldin at the burgh of Dysert upoun the first Twisday of Junii nixt to come, in this meantyme thair is speciall directionis come frome his Majestie for a meeting of the Commissionaris of the Generall Assembley and some otheris of the ministerie to be haldin and keepit at Haliruidhouse upoun the thrid day of Junii nixt to come, being the morne efter the appointit dyet of that Synode, alswele for planting of the kirk of Edinburgh as for sindrie other materis importing the good and wele of the Kirk. At the whiche meiting of the

Edinburgh, 21st May 1607. Letter from the Council ordering the prorogation of the Synod of Fife.

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Commissionaris at Haliruidhouse divers of the ministrie of that Synode, as alsua those of his Majesties Counsell who are nominat Commissionaris for his Majestie to that Synode, mon necessarlie be present; and, seeing boith thir meitingis can not goodlie hald at one tyme, and that this meeting appointit be his Majestie to be keipit at Haliroodhous may suffer no delay nor continewatioun, we haif thairfoir thoght meete to prorogat and continew that Synode to the nynt day of Junii nixt. And thairfoir these ar to requeist and desire you to conforme yourselffis to his Majesteis will in this mater, and that you direct no commissionaris to the said Synode at the first appointit dyet, bot that you suffer that dyet to desert, and await the occasioun of the nixt dyet, as you respect his Majesteis obedyence and pleasour and will ansuer upoun the contrarie at your heichest perrell. Sua we committ you to God.—*Sic subscribitur:* Hamiltoun, Caithnes, Abircorne, Ros, Secretair."[1]

[1] Connect with record *ante* p. 369.

Whitehall, 22nd May. Letter from his Majesty warranting the admission of the Commendator of Tungland, Wemyss of Myrecairny, Craig of Wrichtsland, and Sir James Douglas of Spott, into the Privy Council.

"Richt trustie and weilbelovit cosine and counsellour, we greete you wele :—Upoun the goode prooffe we have of the deutifull affectioun of Williame, Commendatair of Tungland, Andro Weymis of Myrecairny [Logy], and Mr Lues Craig of Wrichtisland, senatouris of oure college of justice, and of Sir James Douglas of Spott, knicht, and of thair abilitie to discharge the place of Counsellouris in the Counsell of Estate of that oure kingdome of Scotland, we haif maid speciall choise of thame to be of that nomber; and thairfoir we ar willing that thay be ressavit, and we desyre you in the accustomat forme to tak thair aith, that so thay may brouke and injoy the said place, with all previlegeis and immunities thairunto belonging. Wheranent these presentis salbe unto you a warraunt. And so we bid you fairwele.—To our trustie and weilbelovit cosine and counsellour, the Erll of Dunfermling, chancellor of that oure kingdome of Scotland." Royal Letters 1604–1612. Page 77.

Edinburgh, 2nd June 1607. Letter from the Council to Mr Robert Bruce, requiring from him, by his Majesty's order, a resolution in writing on the subject of the Gowrie Conspiracy.

"Traist freind, efter oure verie hairtlie commendationis :—Amang sindrie directionis come heir frome his Majestie it hes pleasit his Heynes in particulair to remember that your resolutioun in the mater of Gourie be craved, as by that article of his Majesteis directioun whiche is sett doun in the wordis following you may persave : 'It is oure pleasour that our Counsell sall with diligence direct thair letters to Mr Robert Bruce to crave of him his resolutioun in the mater of Gowrye, which we wald be glad to see under the hand of the said Mr Robert Bruce.' And, seing this mater is yitt recent in his Majesteis memorie and that his Majesty wald be glad to haif satisfactioun be your resolutioun thairanent, these ar thairfoir to requeist and desire you effectuuslie that with this beirare you will returne unto us in write under your hand your opinioun and resolutioun in the mater foirsaid, to the effect we may send the same up to his Majestie, and that you will sett the same doun in als cleir and sensible termes as to your awne opinioun and judgement may best stand with his Majesteis contentment and satisfactioun. Wherin as you sall do unto us a singulair pleasour, so we doubt not bot his Majestie will the moir favourablie judge of you and your actionis heirefter. And sua, expecting your ansuer in wryte with the beirare, committis you to God.—*Sic subscribitur:* A. Cancellarius, Lotheane, Secretair, Haliruidhous, Sir T. Hamiltoun, Jo. Prestoun, R. Cokburne, J. Cokburne, Clericus Registri."[1] Page 83.

Greenwich, 3rd June 1607. Letter from his Majesty to the Council, instructing them to see the Bishop of Moray safe for arresting a priest without warrant.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—Undirstanding of the apprehensioun of one M^cKie, preist, by the Bischop of Murray, and that he is lying in prisone within that oure burgh of Edinburgh, in the tolbuith thairof, as we must accompt the same as a speciall and acceptable goode service done unto us, so will we be loathe that the inlaik of warrand or commissioun to the said Bischop for taking of the said preist sould heirefter infer to him ony prejudice or Page 86.

[1] Connect, by Index, with entries and footnotes *ante* respecting Bruce.

Royal Letters, 1604–1612.

inconvenient. And thairfoir our pleasour and will is that you pas and expeid ane speciall Act of Counsell in favouris of the said Bischop of Murray, authorising his procedingis in the taking and apprehensioun of the said preist, notwithstanding of his wanting of commissioun for that effect, declairing him to be free of all dangeir, harme, or skaith quhatsoevir thairby. Quhairanent thir presentis salbe unto you sufficient warraunt." [See *ante*, p. 392].

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Manor of Greenwich, 16th June 1607. Letter from his Majesty to the Council anent the Earl of Athole, rebuking late proceedings of the Council in the case of that Earl.

" Richt trustie and weilbelovit cosines and councellouris, we greete you wele :—Oure eirnist desire to prevent the imminent decay of the house of Athole, the estate quhairof by the facilitie and waiknes of this present Erll is lyke to be overthrowne, did move us to send for him, haveing by oure speciall letter to you, our Chancellour, willed you to dispens with his present warde, to the effect he mycht repair heir with all convenient speede to ressave frome us particulair directioun and commandiment for his awne benefeit and weelefair : we being loath that ony suche house, of that antiquitie and amang the first of the nobilitie of that oure kingdome, for laik of goode gyding in the present possessour sould perishe, whenas the freindlie counsellis and admonitionis of these who do affect the standing of his house hes bene utterlie rejectit, at least litle regairdit, by him. And now, undirstanding that not onlie he is not licensed to repair hither, bot that, being formarlie at fredome within our burgh of Edinburgh, he is committed of new to the Castell thairof [*ante*, p. 511], we can not bot justlie be offendit at this misregaird of oure warrant sent for his licence to repair hither,—it being ane oversight intollerable in ony subject, bot in the personis of you of oure Counsell altogidder inexcusable, since oure upricht and just inclinatioun is notorious to every one of you, that nouther in that busynes nor in ony other particulair els we wer evir moved or induceit to prejudge ather the credite or cautioner of ony that wes committit. And thairfoir we must mervell quhairupoun the refusall of his libertie and confyneing of him within a stratair warde have proceidit, and thairwithall that small respect had by you to the accustomat previlege commoun to everie Counsellour, whose privat ludgeingis have evir bene thocht free frome ony searche of personis for debtis and civile actionis, aganis whome nouther treasoun nor capitall offence could be

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objectit. Wherin the absence of that same Counsellour whose house wes searchit, being heir in oure service, and his stay and remaning at oure command, micht have served for sufficient caus to have refusit those letters of making oppin duris, specialie quhenas manifest rebellis and at the horne for wilful murdouris, suche as the Master of Crawfurde, have oversicht by your negligence bothe to repair to that oure burgh and to walk oppinlie in the hie streitis (as the late skirmishe thair can testifie), and yitt nevir ony searche at all maid for him. Whiche moveth us to be somequhat jealous of your procedingis in this busynes, persaving you (notwithstanding of our warrant to the contrarie) thus eirnist to retene one for debt, misregairding in the meantyme the apprehensioun of one

who hes bene so lang rebell for so foull a slaughter. We do also heir that this our Counsellour, oute of whose house the said Erll wes takin and who nevir medlit in the affairis of the house of Athole bot by oure speciall command and directioun, is now in his absence maliciouslie traduceit, as yf oure imploying of him proceidit of his awne sute, or that he had intentioun in this imminent decay of that house to mak his privat commoditie. We knowe the contrarie, and thairfoir have thocht meete to certifie you that the same is a fals calumnie. Moirover, oure will and pleasour is that, presentlie upoun the ressett heirof, you licence the said Erll of Athole to mak his repair hither, since we haif directit our speciall warrant to the Captane of oure Castell of Edinburgh for his releif furth thairof. And so we bid you fairwele.—To oure richt trustie, *ut supra.*" Royal Letters, 1604–1612.

Greenwich, 16th June 1607. Letter from his Majesty to the Earl of Dunfermline and the other Councillors for removing a certain feud.

"Right trustye and weilbeloved couseingis and counsellouris, we greitt you hairtlye weill:—Whereas we understand that the feid and inimitye betuix our richt trustye cousing, the Erle of Mar, and the MacFarlanes, of the one pairt, and Colquhoune of Lwise and his kin and freyndis [*ante*, p. 373] lyis over as yit unreconciled or removed, to the greitt unsuirtye of our peace and hazairde of more trowble and unquyetnes to ensewe betuix those pairteis; and becaus the unremoveing of certane civill actionis and pleas betuix thame hes occasioned the feid to be unaggreit: it is thairfor our pleasoure and will, and we ar heirby earnestlye to desyre you, to call bothe these pairteis befoir you and to caus thame submitt all mater of questioun, ather criminall or civill, that is betuix thame, that so, all caus of grudge and evill will being removed by thair reconciliatioun, our peace and the quyetnes of the cuntrey may be fullye secuired. And, remitting the same to your speciall caire, we bid you fairweill."[1] Miscellaneous Papers.

Edinburgh, 19th June 1607. Letter from the Council to his Majesty: again in the business of the Isles.

"Pleis your sacred Majestie:—We ressavit your Majesteis letter anent the affairis of the Yllis, and hes appointit the 23rd of this instant to the Marques of Huntley for putting of him to ane poynt anent the North Yllis. Bot in that point of the yeirlie dewitie, wherupoun we and he contravertit, your Majestie hes gevin us no resolutioun. Alwayes, seing your Majesties Comptroller is now to be with your Heynes, we remitt that point to be resolved upoun betuix your Majestie and him.—Anent the West Yllis, thair is ane infeftment of feu ferme past to the Erll of Ergyle of the landis of Kintyre, and sett doun be your Heynes ordinair officiaris, the Advocat and Clerk of Register, according to the conditionis and restrictionis formarlie send up to your Majestie. Thair hes bene sindrie offeris gevin in be Angus M^cConeill and his sone, Sir James, this last wynter, anent the West Yllis, and cautioun wes promeist for performance of thair offeris; bot, thay being remitted to deale with your Majesteis Comptroller and to gif him satisfactioun in the suirtie and cautioun, thay failyeit in that poynt, sua that no certane conclusioun could be tane with thame, as moir particularlie your Majesteis Comptroller will informe your Majestie; as Royal Letters, 1604–1612. Page 84.

[1] Original letter under the sign manual.

Royal Letters, 1604–1612.

alsua will acquent your Heynes of his particulair dealing anent the rest of the West Yllis, quhairin he hes bene very cairfull to gif unto your sacred Majestie satisfactioun and contentment."

Edinburgh, 19th June 1607. Letter from the Council to his Majesty anent the deduction craved by the tacksmen of the customs.

"Pleis your sacred Majestie:—Thair hes bene some questioun befoir your Majesteis Counsell betuix the Comptroller and the fermoraris of your Heynes customes anent ane defalcatioun and allowance craved be thame for the custome of the commodityis past in commerce betuix the kingdomes fra November 1605 to November 1606, and accordinglie thairfoir during the haill yearis of thair tak, conforme to ane expres provisioun specifeit in thair contract and sett of the customes. The custome of the whilkis commoditeis and superplus of the impoist of wynes, attour that whiche is defeasit for furnissing of noblemenis houssis, being comptit togidder according to ane booke produceit be thame, contening a particulair note of the saidis haill commodityis and wynis within the yeare foirsaid, extendis to xiiii^{m} lib. Scottis or thairby; quhairof the saidis fermoraris ar content to accept in defeasance x^{m} lib., or utherwayes thay crave a toleratioun and libertie for lifting of the customes. In the first point the Comptroller wes very strait; and in the secund, anent the
Page 85. toleratioun for lifting of the custome, the Counsell wald do nothing without your Majesteis allowance. And thairfoir your Majestie hes to advise whidder it will pleis your Heynes to accord to the defalcatioun or to the toleratioun foirsaid, in whiche boith the fermoraris ar indifferentlie contented; and quhatever salbe your Majesteis will and pleasour heirin sall accordinglie be imbraceit. And sua, praying God to grant unto your Majestie a lang, happy, and prosperous reignne, we rest, &c.—*Sic subscribitur:* A. Cancellarius, Balmerinoch, Halruidhous, R. Cokburne, Sir T. Hamilton."

Page 86. 19th June 1607. Letter from the Council to his Majesty in answer to preceding letters

"Most sacred Soverane:—We ressavit your Majesteis letter anent the particulair of Sir George Ramsay and Thomas Lummisden [*ante*, p. 524], and accordinglie have forborne to gif ony directioun or charge in that mater. Bot, seing these landis whilkis wer gifted be your Majestie to thame wer evir repute and haldin as debeatable, and in taikin thairof thair patent and gift exped the greate seale of boith kingdomes, it is thoght strange by your Majesteis Counsell that ony suche proces or actioun sould be movit thairupoun, or ony tryale or cognitioun tane thairin be the Exhequer thair, and that your Majesteis officiaris of this kingdome ar so far ouersene and misknowne, the actioun being commoun to boith and the tryale propir to a conjunct judgement be commissioun frome boith kingdomes. Alwayes, thay have remittit this to your Majesteis grave and princelie consideratioun, to be directit as your Majestie sall think meete, alswele for the goode of your Majesteis servandis as for eschewing of the prejudice whiche suche forme of procedour may produce aganis this your Majesteis ancient kingdome. And sua, praying God to blisse your sacred Majestie with a lang, happy,

and prosperous reignne, we rest, &c.—*Sic subscribitur :* A. Cancellarius, Balmerinoch, Halirudhous, R. Cokburne, Sir T. Hammiltoun." Royal Letters, 1604–1612.

Edinburgh, 26th June. 1607.

Letter from the Council to his Majesty justifying their proceedings in the case of the Earl of Atholl.

"Most gratious Soverane :—We ressavit your Majesteis letter of the xvi of this instant [*ante*, p. 527], and wer extreame sorie that your Majestie sould have ressavit ony miscontentment in that mater ; wherin we had no other respect bot to justice and the obedience of your Majesteis lawis. For the warrant anent the Erll of Athole, not being directit to the Counsell, bot to the Chancellour, not writtin to ony of your ordinarie Secretarie-deputis, and not cassheted with your Majesteis cashett, bred us suspitioun that it had bene surreptitiouslie purchest, no other significatioun having come of your Majesteis mynd, ather to the Counsell or Captane of the Castell of Edinburgh. Besyde that, it implyed a greate injustice, which is far frome your Majesteis princelie dispositioun, that your Chancellour sould free the Erll of Athoill of his warde, and not the les that his cautionaris sould stand bound for his re-entree,—to the whiche thay disassentit alluterlie, and in no reasoun could be astrictit thairunto. All whiche presumptionis concurring with the hinderance of your Majesteis service for the whiche he was wardit, wherin thair is nothing done besyde the interes of a infinite nomber of creditouris of all rankis who, by his removing oute of the cuntrey, felt thair awne wrake and maid such miserable exclamatioun aganis your Majestie and the injustice of the said warrand, we thoght that it sould have gevin your Majestie moir contentment that we sould attend your Majesteis certane commandiment nor be rashe in obeying a suspitious warrand so far frome your Majesteis accustomat regaird to justice. And, whereas your Majestie is discontented with his putting in moir strait warde sen that warrand, the caus of it wes the desyre of the creditouris that he sould not eschaip : who, having letters of captioun and commandimentis to the Gaird to tak him, whiche thay wer content befoir to superseide, hoiping he sould not eschew being arreisted at thair instanceis, wer eirnist and did putt thame in executioun. And, whereas your Majestie thinkis that ony Councillouris house sould assuir ony of your Majesteis rebellis except in materis of treasoun, yf your Majestie think that ony suche thing sould be allowed, you neede looke for no executioun of justice in this kingdome, wherin thair is mo Counsellouris nor in England, France, Italie, and Spayne. And, yf that nobleman had bene present, we knaw that he wald have harbourit none of no qualitie that had not bene ansuerable to your Majesties lawis. Wherupoun we send for his servand who had the keeping of his house, willed him he sould mak the same patent to the baillies according to his warrand ; whiche he refuisit. So the inoportune exclamatioun of the creditouris and the hasaird thay apprehendit of thair wraik maid thame to beg justice in those termis of the Lordis of Sessioun to putt thair decreitis till executioun that thay chuised rather that ony of thair awne nomber sould sustein a tuitche in ceremonye nor the creditouris micht haif exclamed to

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Royal Letters, 1604–1612.

your Majestie that thay had, by resetting and keeping of your Majesteis rebellis, wrakit so mony of thame. And, yf thair had not bene a moir favourable regaird had to the Erll of Athole his estate, he had bene by his creditouris layed fast in the tolbuith, whairouteof he had gottin no releif bot by payment or sufficient securitie. We wishe your Majestie sould be informed that nane of the Counsell hes ony particulair aganis the Erll of Athoill, bot all wisheis he wer one that micht supplee that place for the honnour of the cuntrey and goode of your Majesteis service. And what the want of suche a man dois the miserable estate of the cuntrey of Athole and all the bordouris bounding to that dois declair. And, not aucht dayis since, Johnne Dow M^{c}Gillichallum, for whome he is ansuerable, hes hocheit and gorit to the Laird of Lesmoir aucht scoir nolt,

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and daylie worse and worse to be luiked for. Alwayes, since it is your Majesteis pleasour that he be at libertie, we haif advisit the Erll of Mar, all thir and other respectis whatsoevir sett asyde, to putt him free. And, wher your Majestie findis fault with the Maister of Craufurde repairing to Edinburgh, he wes not bot ane day thair, and that secreitlie upoun dealing betuix his party and him, and nevir sene upoun ony streit in daylicht, albeit, as your Majestie knawis, malefacto uris may keepe Edinburgh without the Counsellis knawledge ; and all that hes bene procedit aganis him hes bene done be your Majesteis Counsell without the concurse or informatioun of the pairtye ; and what diligence we did and how mony wayes we imployed the Capitane of the Gaird to tak him we remitt himselff to declair, who is present with your Majestie. We ar als freelie of love to the Maister of Crawfurde as haitrent to the Erll of Athoill, and did nothing, till oure knowlege, for the one nor aganis the other bot that which we hoiped sould haif gevin your Majestie contentment. Bot we mon beg your Majesteis pardoun not to tak in ill parte to foirsee your Majestie that the lousnes of that cuntrey and the miserable exclamatioun of so mony creditouris, quhairwith we wilbe perturbit for a quhyle, will come neirair to your Majesteis earis yf regaird be not had, in this translatioun of the Erll, boith to your cuntreyis quietnes and thair satisfactioun, and that your Majestie wald be pleasit to direct that no warrant of consequence sould come unto us bot under the hand of your ordinarie Secretaryis and authorised with your Majesteis casshett, that the officiaris may be ansuerable and we haif no caus to suspect thame.—According to your Majesteis directioun, we write to Mr Robert Bruce, anent his resolutioun in the mater of Gowry [*ante*, p. 526], who hes writtin his awne mynd thairanent to your Majestie ; whiche, with his letter sent to us, we haif heirwith send up to your Majestie.—And sua, craving pardoun of your sacred Majestie for our lang letter, we pray God to blisse your Majestie with a lang, happy, and prosperous reignne.—*Sic subscribitur:* Chanceller, Secretair, Haliruidhous, Jo. Prestoun, Sir T. Hammiltoun, R. Cokburne."

"Richt trustie and weilbelovit cosines and counsellouris, we greete you

Greenwich, 3rd July 1607. Letter from his Majesty to the Council ordering them to take trial of the conduct of the Bishop of Aberdeen as to the election of Mr John MacBirnie as minister of Aberdeen.

wele :—Oure godlie and zealous intentioun of establissing of quietnes and goode ordour in the Churche of that oure kingdome, for the better floorisheing of the Gospell and of the religioun presentlie professit, having bene hithertillis mony wayes thortoured by the unreulie, turbulent, and unquiet spirittis of some of the ministerie, who, howsoevir of dewytie thay aucht to haif bene the preicheouris of peace and obedyence, did nevirtheles in thair actionis try fyrebrandis of stryffe and dissensioun, so now also that same goode resolutioun of ouris is impedit by the mischeant inconstancye and volubilitye of some of those whome we did chuse as goode instrumentis to the furtherance of the worke. Who, being ather led by some fantastik opinioun of thair owne, or then being of full intentioun to oppose thameselffis directlie to the progres of that worke, by thair outward actionis kyith direct contradictouris thairto,—as in speciall the Bischop of Abirdeyne. At the last sessioun of Parliament in Perth, as also at that Generall Assembley keepit at Lynlythqu, and laitlie now befoir you of oure Counsell thair the tyme of giving his oath of obedyence, he did cleirlie manifest his froward and evill inclynnit dispositioun in all thir materis.[1] And, as we ar forder certifyed, ather by his direct doing or at least be his oversight and toleratioun without finding ony fault thairwith, that Mr Johnne M^cBirnie, minister (one whose unquiet spiritt hes maid him a frequent removair frome place to place, nather desyring to be a long remayner onyquhair nor contenting his floke where he did stay, bot being of ane unsetled bothe mynd and residence), sould be laitlie placeit as actuall minister at oure burgh of Abirdeyne, being one of the cheif and principall burrowis of that oure kingdome, without oure knowledge or the consent of the ministeris of the Generall Assembley. By whose placeing thair no better frute can be expectit then the lyke of that proude conventicle at Abirdeyne, whiche did importe so muche disquietnes to the estate of that Churche. And thairfoir, as we haif given ordour to the Commissionaris of the Assembley for the present displaceing of the said Mr Johnne, and dischargeing of him to preiche ony forder thair, so, in regaird of the Bischoppis awne offence in this mater, in presomeing at his hand, without oure knowledge or consent of the Commissionaris, to plant such a minister in one of oure cheif burrowis,—at least he being guiltie of connivence in not finding fault thairwith,—it is oure pleasour and will that you call the said Bischop befoir you ; and, yf you do trye the planting of the said Mr Johnne to have procedit upoun the causing, command, or directioun of the said Bischop, oure will is that, upoun your trying thairof, you committ him presentlie in warde within some of oure castellis, and thairefter acquent us with the same, that we may thairupoun returne oure forder pleasour and will. Bot, yff otherwayes you find no wilfull offence in him, bot a point of negligence in not finding fault thairwith, oure pleasour is that you admonishe him of his dewytie, assureing him that, yf he sould committ ony of suche oversightis heirefter, that the same shall not be ouerslipped unpunisheit. And,

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[1] See *ante*, by Index, under "Aberdeen, Bishop of" (*Blackburn*).

Royal Letters, 1604–1612.

remitting this mater to your cair and diligence, we bid you richt hairtelie fairweele.—To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling, oure Chanceller," &c., *ut supra.*

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"Trustie and weilbelovit cosine and counsellour, we greete you weele:—It being oure full intentioun and resolutioun to haif the Parliament of that oure kingdome keepit thair the 29 of this instant moneth, thairfoir we ar to will you with all possible haist and expeditioun to direct missives to the speciallis of oure nobilitye, clergye, and utheris of oure Esteatis whose presence wilbe necessair at the meeting, to certifie thame of the keeping of the said day precislie, to the effect that none of thame, upoun opinioun of prorogatioun thairof, do abstene thameselffis thairfra. And sua we bid you fairwele."

Theobalds, 3rd July 1607. Letter from his Majesty to Secretary Balmerino anent the approaching Parliament.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras, in the granting to Maister James Balfour, minister, licence to returne bak to that kingdome, upoun certane considerationis justlie moving us, we did confyne him within the toun of Colbrandispeth and two myllis aboute the same [*ante*, p. 415], and, upoun some speciall motives knowne to ourselff, we finding it expedyent that he be removed frome thense, oure pleasour and will is that you caus chargeis be direct in our name to command the said Mr James Balfour with all possible haist to remove from thense, and to repair to the toun of Awfurde within oure schirefdome of Abirdeyne, thair to abyde and remane, and noway to depairt furth of the boundis of the parroche of Awfurde, under the pane of rebellioun etc.: willing you thairwith to gif speciall warrand for his discharge of remaning at Colbrandispeth, quhairat he hes bene heirtofoir confynned. And heiranent these presentis salbe unto you a warrant. So we bid you fairwele. To oure richt trustie and weilbelovit cosines and counsellouris, the Erll of Dunfermling," &c., *ut supra.*

Theobalds, 13th July 1607. Letter from the King to the Council ordering them to change the place of Mr James Balfour's seclusion from Cockburnspath to Alford.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Wheras we undirstand that oure Castell of Edinburgh is so pestered with multitude of prisounaris being committit for mater of debt and suche lyke other caussis as almost no rowme is left to those who aucht onlie to be committit to that prisone, and to eshew that confusioun heirefter, oure pleasour and will is that no warrand be direct to the capitane, constable, and keeparis of that castill for ressaving of ony wardour except it be for crymes of treasoun or lesemajestie; or, otherwayes, yf it be for debt or ony suche civile mater, than [?that] no otheris be directit to be ressavit in that warde except of the rank and degree of noblemen,—remitting all otheris personis to suche other wardis and prisonis as you in your discretioun sall think fittest. Wheranent thir presentis salbe your sufficient warrand.—To oure richt trustie, *ut supra.*"

Theobalds, 13th July 1607. Letter from his Majesty to the Council anent warding of prisoners in the Castle of Edinburgh.

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"Richt trustie and weilbelovit cosine and counsellour, we greete you weel: —For observing of goode ordour in this Parliament, and specialie in

Oatlands, 24th July 1607

Letter from his Majesty to the Duke of Lennox anent the ranking of the Estates in Parliament: the two Archbishops to have precedence of the Earls, and the Bishops to have precedence of the Lords.

Royal Letters, 1604–1612.

your ryding frome oure pallice of Haliruidhous to oure Parliament House, as the Marquessis ar to preceede immediatlie befoir the honnouris that ar borne, so we wald haif the two Archiebischoppis to ryde in the rank befoir thame immediatlie; and then all the Erllis, two and two togidder, according to thair antiquitie, to ryde befoir the saidis Archiebischoppis; and befoir the saidis Erllis the Bischoppis of that kingdome, two and two in rank; and befoir the saidis Bischoppis the Lordis of Parliament, two and two in rank in lyke maner:—that, as the Archiebischoppis do gif place to the Marquessis, and the Erllis to the Archiebischoppis, and the Bischoppis to Erllis, so the Lordis may gif place to the saidis Bischoppis. Whiche forme and ordour we wald haif observed not onlie in thair rydeing bot in thair voiting in the Parliament House. And, heirof desyring you to be cairfull, we bid you richt hairtelie fairwele.—To oure richt trustie and weilbelovit cosine and counsellour, the Duke of Lennox, oure Heich Commissioner in the Parliament of oure Kingdome of Scotland." [1]

Phernam, 2nd Aug. 1607. Letter from his Majesty to the Earl of Dunfermline, Chancellor, and to Lord Balmerino, Secretary, anent the expeding of the Earl of Dunbar's commission.

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—For the establisheing of oure obedyence and peace within the Middle Shyres of this Yland, and for the repressing and punisheing of malefactouris within the same, we having resolved, for the most fitte course thairin, to graunt commissioun to oure right trustie and weilbelovit cosine and counsellour, the Erll of Dunbar, and to oure richt cosine, the Erll of Cumberland, over these boundis; and, for the better performeing of that oure service and attending thairon in caise of the absence of the saidis commissionaris or ony of thame, we haif appointed Sir William Seytoun, Sir Williame Cranstoun, Sir Robert Charterhous, Sir Jedeone Murray, and Sir Williame Selby, Sir Johnne Phennick, Sir Wilfred Lawsoun, Sir Christopher Puckering, at all tymes to be in reddynes for assisting of the saidis commissionaris or performing of ony suche directionis as thay sall ressave frome thame, or ather of thame, for the furthering of that service. And, as the said commissioun is now in the passing of the greate seale of this kingdome, so have we thoght meete to send unto you a warraunt of the same, to be past under oure greate seale thair; willing you to conveyne sa mony of oure Counsell thair as ye think meete for the purpois, and, after the expeiding of the same be thair subscriptionis, that then you caus pas the same under the greate seale of that oure kingdome. Wheranent thir presentis salbe your warraunt; and thairin you sall do unto us acciptable pleasour and service. So we bid you fairwele." [For the Commission, see *infra*, the last entry under *The Borders*].

Edinburgh, Aug. 1607. Letter from the Estates of the Scottish Parliament of 1607 to his Majesty, giving their views as to the

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"Most gratious Soverane:—We, your Majesteis humble subjectis heir convenit at this Parliament by your Majesteis expres command and pleasour [Aug. 3–11, 1607: see *ante*, p. 425, footnote], representing heirin the

[1] Connect this letter with the Acts of Council, *ante*, pp. 411, 415–416, 419–420, 423, as to the ceremonial of the Scottish Parliament of August 1607, and with the account of part of that ceremonial *ante* p. 425, footnote.

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Union of the Kingdoms, correcting English misconceptions of these views, and thanking his Majesty for a previous explanation of these views in one of his own speeches to the English Houses of Parliament.

body of this your antient natioun, quhairof your Majestie is the most just and undoubtit King, in regaird of the eirnist love and dewtifull obedyence that we owe to your Majestie as oure native and gratious Soverayne, ar enforced to tak the boldnes to write thir few lynnis to your Majestie, onlie for the feir we consaved that some mistaking of oure intentionis and procedingis micht be the caus, yf thay wer not explayned, of the hinderance of your Majesteis most godlie, just, and honnourable deseignne, to witt in this mater of the Unioun of boith kingdomes, quhairin your Majestie hes so long travellit with so small succes as yitt. For it is come to oure earis, as also by one of your Majesteis awne prented speecheis we ar sufficientlie informed, that the Lower House of oure neightbour Parliament of England hes takin ane apprehensioun, groundit upoun two claussis of the pouer or instrument gevin by us under your Majestie to oure Commissionaris for treating upoun articlis concerning the Unioun, that we are in our hairtis averse from the same, and do what we can to manteyne a separatioun. The first claus whiche it appeiris thay do mistak is that exceptioun of fundamentall lawis first conteyned in oure preface and efter repeated in the body of oure instrument; and the other is oure desyre, insert expreslie lykewayes in the preface, that this cuntrey sould remane still a free monarchie. First, thairfoir, adhering to your Majesteis wyse and just ansuer for us that *ejus est explicare cujus est condere*, and that thairfoir, nixt and under your Majestie, we aucht to be the exponneris and interpretaris of oure awne meaning in oure awne actionis, we say, as to the first claus of exceptioun of fundamentall lawis, your Majestie in your said speeche hes verie treulie interpreted oure meaning in the same. For the wordis nixt following makis oure meaning cleirlie till appeir that we onlie call these fundamentall lawis wherby your Majestie, efter so long a discent, dois

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most happelie injoy the crowne; as lykewayes quhairby the frayme of this hole kingdome is establissed, togidder with suche speciall previledgeis and perogativeis quhairby all distinctioun of rankis and ordouris is manteynit among us; not meaning thairby of our particulair Actis or Statutis or uther lawis or customes,—whilkis ar and evir aucht to be alterable as the weele of the commounwelth and publict state sall require, especiallie considering that the great and happy alteratioun that is fallin by youre Majesteis successioun and possessioun of boith these antient kingdomes could nevir bot mak us looke for a necessitie of a great alteratioun in our lawis for making a conformitie betuix boithe, that so your Majestie sould not be the heade of two repugnant and contradicting bodyis. Besydis, that is also most trew, as your Majestie hes lykewayes most gratiouslie rememberit, that the inserting of that claus in thair instrument (althoght bot in the preface thairof) wes the onlie example that led us to imitat the same in oure instrument. And, as for the other worde of 'free monarchie,' we can nevir better interprete it then your Majestie hes alreddy done; for we nevir meant thairby to except aganis onie confounding as it wer of these two befoir separated kingdomes in one

Letter from Parliament to his Majesty concerning the Union.

glorious monarchie and impyre of the whole Yle, bot onlie that this your Majesteis antient and native kingdome sould not be so disordourit and maid confusit by turneing of it, in place of a trew and freindlie Unioun, into a conquered and slavishe province to be governed by a Viceroy or Deputye, lyke suche of the King of Spaynes provinceis as your Majestie in your Heynes said speeche maid mentioun of. Wherein as we nevir doubted of your Majesteis honnorable, just, and kynd intentioun towardis us, so can we nevir bot assure ourselffis that oure nightbour Parliament will nevir think so baselie and unworthelie of us. For, as oure conjunctioun under one heade come by lineall discent, fostered and fomented by a lang and happy peace, so the Unioun that is to succeede among us must be a joyfull mariage and a happie love-knott to joyne us in one loving and humble body-politik to so gratious and glorious a heade. And thairfoir we most humelie beseik your Majestie for to accept of this oure interpretatioun of oure awne meaning as we do most sinceirlie and humblie intend it. For, as it is trew, and we can nevir denye, that for oure particulair conforte we could haif wished that oure native King, by whose cairfull governament and providence we have heirto and do still injoye so much blessed quietnes, sould haif had no other clame by richt to ony other greatair kingdome, by his possessing quhairof we sould have bene depryved (as, allace! we now ar) of that confortable light and beames of your soneshyne quhairin we leved as in a perpetuall floorisheing sommer,—so can we not bot, for the generall felicitye of the hole Yle, nay of all Cristendome, speciallie of sa mony of thame as professis the Gospell with us, and for the perpetuall honnour thairby fallin upoun your Majestie and youre posteritie, not onlie be content to burey this oure particulair greif in the lake of perpetuall oblivioun, bot evin to rejose and be parttakaris of that greate and generall joy. As for oure affectionis in this mater of the Unioun, as we freelie confes we haif no greate nor earnist desyre or thrist of it for oure pairticularis, for the reasonis befoir said, as lykewayes that we may still hoipe to be often refreshed by your Majesteis presence and gratious aspect, and that your presence (yf so wer) sould alswele as your hairt be equalie divydit betuix us, so on the other parte we nevir meanit to be so frowarde as to resist to ony so greate and goode a worke, wherby we sould not onlie be repugnant to your Majesteis goode will and pleasour, bot evin to the establisheing and setling of the foundationis of so greate and pouerfull a monarchie. For the greatair manifestatioun wherof at this oure solemne meiting, we haif not onlie considderit the necessitie of repealing of all hostile lawis and markis of ill dispositioun [? which] hes bene betuix the two kingdomes, and establisheing of a forme of judicatur within the boundis of the late wardanryis quhill some fitter course be thocht upoun to bring those pairtis till moir absolute conformitie, bot, for your Majesteis better satisfactioun of oure inteir desyris to performe that whiche is your gratious pleasour, we haif looked in the conveniencye boith of the commerce and naturalisatioun whiche ar the two last pointis of the Treaty. Quhairin as we haif found oure Commissionaris to haif

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had a dew regarde to the goode of bothe kingdomes and continewance of steidfast amitie by communicating all suche thingis as in thair wisdomes wer convenient to be equall to boithe, so have we moist unanimelie ratifeit and allowit all thair procedingis yf so it sall pleas your Majesteis Esteatis thair to yeald the lyke approbatioun. Most humelie intreating your Majestie to be perswadit that no hoip of benefeit that we may expect hes induceit us, other nor to confirme your Majesteis gratious opinioun, whiche you haif evir had and quhairin by Godis grace your Majestie sall nevir find ony defect, that your Majesteis pleasour hes evir bene and salbe the infallible square quhairby all oure actionis salbe conformed, and sua craving pardoun for interrupting your Majesteis moir serious and wechtie affairis, this oure unmanerlynes proceding of nothing els bot of oure zealous love and deutifull affectioun to your Majestie, which we humblie beseeche your Majestie to dispens with at this tyme, we pray the Almichtie God to continew to your Heynes the increse of all happines."[1]

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[1] This letter is historically important and interesting, as a deliberate expression by the Scottish Parliament of August 1607 of the state of feeling in Scotland respecting King James's great project of a complete Union of the Kingdoms after that project had been under discussion in both kingdoms for four years. The occasion and circumstances require a little explanation:—The opponents of the Union in the English House of Commons had, it seems, maintained that the Scotch themselves did not really desire a Union, and had referred, in proof of this, to the wording of what the present letter calls the "instrument,"—*i.e.*, that Act of the Scottish Parliament of July 1604, entitled *Commissioun for the Unioun*, by which Commissioners had been appointed for conference and treaty at Westminster with the Commissioners for the Union appointed by the English Parliament (*ante* pp. 5–6, footnote). In the preamble to that Act, acknowledging the importance of the Union which his Majesty proposed, there had been thanks at the same time to his Majesty for vouchsafing to assure them that his meaning was "*nawayis by the foirsaid Unioun to prejudge or hurte the fundamentall lawes, ancient privilegeis, officeis, and liberteis of this kingdome*, quhairby not onlie the princelie authoritie of his maist royall discent haith bene thair mony aiges mantened, bot alsua his peoples securitie of thair landis and levingis, richtis, liberteis, officeis, and digniteis preservit, quhilkis gif they suld be innovated sic confusioun suld ensew as it culd no moir be *a frie monarchie*"; and in the body of the Act, giving powers to the Commissioners to treat, there had been the repeated proviso,—"*not dirogating onywayes ony fundamentall lawes, ancient privileges, offices, richtis, digniteis, and liberteis of this kingdome, as is afoirsaid.*" The phrases here put in italics had been specially fastened on by the English opponents of the Union in the course of that debate on the subject in the English Parliament in its session of 1606–7 to which reference has already been made (*ante* pp. 513–514, footnote). Consequently, when the King called the two Houses before him at Whitehall on the 31st of March 1607, and delivered that long speech to them on behalf of the Union, and chiding their delays over it, which may be still read with some admiration by those who would study his character (see it in Cobbett's *Parliamentary History*, i. 1099–1115), he devoted a considerable part of his speech to an explanation of the real meaning of those phrases of the Scottish document to which exception had been taken. As the present letter of the Scottish Parliament founds itself expressly on that passage of his Majesty's speech delivered at Whitehall four months before, and since then circulated in print, and as the passage is of singular interest independently, it may be here quoted entire:—"There is alleged an averseness in the Scottish nation, expressed in the Instrument, both in the preface and body of their Act: in the preface, where they declare that they will remain *an absolute and free monarchy*, and there and in the body of the Act, where they make an exception of *the ancient fundamental laws of that kingdom*. And, first, for the general of their averseness. All the main current in your Lower House ran this whole session of Parliament with that opinion that Scotland was so greedy of this Union, and apprehended that they should receive so much benefit from it, as they cared not for the strictness of any conditions, so they might attain to the substance; and yet

Edinburgh, 12th Aug. 1607. Letter from the Council to his Majesty praying for help in behalf of Dumbarton, threatened with ruin from the overflow of the Leven.

Royal Letters, 1604-1612. Page 91.

"Most gratious Soverane:—Your Majesteis humble and obedient subjectis convenit at the lait sessioun of your Majesteis Parliament haveing hard of the estate of the burgh of Dumbartane, alswele by the relatioun of the Commissionaris of your Majesteis burrowis, whose lait meiting and conventioun wes within that burgh of Dunbartane, as be the testimonie of

you now say they are backwards, and averse from the Union. This is a direct contradiction *in adjecto;* for how can they both be beggars and backwards in one and the self-same thing at the same time? But, for answer to the particulars. It is an old school point '*Ejus est explicare cujus est condere*' ['The right of explaining belongs to the party originating']: you cannot interpret their laws, nor they yours: I, that made them, with their assent, can best expound them. And, first, I confess that the English Parliaments are so long, and the Scottish so short, that a mean between them would do well. For the shortness of their continuing together [3rd—11th July, 1604] was the cause of their hasty mistaking by setting these words of exception of fundamental laws in the body of the Act; which they only did in pressing to imitate, word by word, the English Instrument, wherein the same words be contained in your preface. And, as to their meaning and interpretation of that word, I will not only deliver it unto you out of mine own conceit, but as it was delivered unto me by the lawyers of Scotland, both Councillors and other lawyers, who were at the making thereof in Scotland, and were Commissioners here for performance of the same [see *ante*, p. 457, footnote, and p. 5]. Their meaning in the word *fundamental laws* you shall perceive more fully hereafter, when I handle the objection to the difference of the laws; for they intend thereby only those laws whereby confusion is avoided and their Kings' descent maintained, and the heritage of the succession and monarchy, which hath been a kingdom by descent from 300 years before Christ: not meaning it, as you do, of their Common Law; for they have none but that which is called *Jus Regis*. And their desire of continuing *a free monarchy* was only meant that all such particular privileges whereof I spake before should not be so confounded as, for want either of magistrate, law, or order, they might fall into such a confusion as to become like a naked province, without law or liberty, under this kingdom. I hope you mean not I should set garrisons over them as the Spaniards do over Sicily and Naples, or govern them by Commissioners,—which are seldom found succeedingly all wise and honest men. *This I must say for Scotland, and may truly vaunt it:—Here I sit, and govern it with my pen: I write, and it is done: and by a clerk of the Council I govern Scotland now,—which others could not do by the sword.* And, for their averseness in their heart against the Union, it is true indeed, I protest, they did never crave this Union of me, nor sought it, either in private or the States by letters; nor ever once did any of that nation press me forward, or wish me to accelerate that business: but, on the other part, they offered always to obey me when it should come to them; and all honest men that desire my greatness have been thus minded, for the personal reverence and regard they bear unto my person and any of my reasonable and just desires. I know there are many bigots amongst them,—I mean a number of seditious and discontented par ticular persons, as must be in all commonweallis,—that, where they dare, may peradventure talk lewdly enough; but no Scottish man ever spake dishonourably of England in Parliament [a reflection on the case of Sir Christopher Pigott: see *ante*, p. 512 and p. 517] For here must I note unto you the difference of the two Parliaments in these two kingdoms: for *there* they must not speak without the Chancellor's leave, and, if any man do propound or utter any seditious or uncomely speeches, he is straight interrupted and silenced by the Chancellor's authority; whereas *here* the liberty of any man to speak what he list and as long as he list was the only cause he [Pigott?] was not interrupted."

—In the present letter of the Scottish Estates, it may be noted, they take no exception whatever to the curious statements made in this passage respecting the peculiar system of absolute and unchecked royal government by mere letters through the post which had then been established in Scotland. On the contrary, they meekly accept that as, in their own experience, an undoubted and undeniable fact; and the purport of their letter is to thank his Majesty for having so correctly expressed their views about the Union in his Whitehall speech to the English Parliament. The letter, however, does furnish additional evidence of what had been apparent before (see *ante* p. 513 and footnote),—viz., that the Scottish Parliament and the Scottish people generally were heartily tired by this time of the Union negotiations. They resented also, it is clear, the continued and unbroken residence of the King in England.

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sindrie noblemen and baronis, that the said burgh is in verie greate dangeir and hasard to be ruinated and overflowne be the violent course of the Watter of Leavin and rage of the sea, yf tymous and substantious remeid be not provydit,—the saidis Esteatis being loath that so antient a burgh for laik of mantenance and releif sould be sufferit to decay, thay haif verie frelie and voluntarlie grantit ane taxatioun of xxv^{m} merkis for the supporte and releif of the said burgh [see 'Act in favouris of the Towne of Dunbartane,' *Acta Parl. Scot.* 376–378]. Bot, becaus this soume is not able to perfyte and accomplishe so greate a worke, and no forder taxatioun at this tyme could be grantit, in respect of your Majesteis awne taxatioun, whiche yitt continewis three yeare [see *ante*, p. 508 and footnote], we, at

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the humble sute and requeist of the said burgh, ar moved to recommend thame to your Majesteis awne favourable consideratoun, that it wald pleis your sacred Majestie to assist this so necessair a worke in sik forme as to your Heynes sal seame most expedient.—And so, ending with oure humble prayeris to God for the continuance of your Majesteis reignne in all felicitie, we rest.—*Sic subscribitur:* Chanceller, Kinghorne, Balmerinoch, Uchiltrie, Haliruidhous, Sir T. Hamiltoun, Jo. Prestoun."

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"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele:—Undirstanding of the disordourit insolence of the Lord Maxwell in having so contemptuuslie dissobeyit to compeir befoir you and going wilfullie to oure horne, as also of that his assembling of a greate nomber of oure subjectis, and in forcible maner invading certane of oure goode and obedyent subjectis of the name of Scott, as lykewayes of that his

Salisbury, 19th Aug. 1607. Letter from his Majesty to the Chancellor and the other Lords of Council anent Lord Maxwell.

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presumptioun to publishe and affix upoun mercat crosses certane cartallis and challangeis for fighting aganis oure richt weilbelovit cosine the Erll of Mortoun, directlie aganis oure lawis and proclamatioun; and, furthermore, being certifyed of that contempt of your commandiment by his secund bruther, quhenas for avoiding of trouble and keiping of oure peace he wes chargeit to keepe his ludgeing, and of that his late murdouring intentioun to have killed James Johnstoun of Westraw within his awne ludgeing in Edinburgh: we can not bot be grevouslie offendit thairat, and therefoir, for preventing of all suche harme as the youthfull ryott and insolence of the said Lord Maxwell and his brethrene may procure, it is oure will and pleasoure that you call befoir you the said Lord Maxwell and all his brethrene, and committ the said Lord himselff to close prisone within oure Castell of Edinburgh, thairin to remane till you be fullie certifyed of oure pleasoure concerning him. You sall lykwayes committ his other brethrene to suche other of oure wardis and castellis as thair may be no feare of thair eschaiping, so as by this thair detentioun in warde thair disordourit and insolent cariage may be stayed, and the peace and quietnes of the cuntrey provydit for. And so we bid you fairweele." [1]

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"Richt trustie and weilbelovit cosines and counsellouris, we greete you

Windsor, 6th Sept. 1607. Letter from his

[1] Connect, by Index, with entries *ante* respecting Lord Maxwell.

Majesty to the Council anent Mr Robert Howie, as successor to Andrew Melville in the Principalship of the New College of St Andrews.

wele :—Quhairas we haif provydit Mr Robert Howye to the provestrie of the New Colledge of Sanctandrois, vacand by deprivatioun of Mr Andro Melvill, last provest thairof, who for his misbehaviour and otheris his greate offenssis dois remane heir in prisone, and the said Mr Robert can noway haif accese to those rowmes that belong to him by his place, by reasoun thay ar schute up and lockit: and thairfoir oure pleasour and will is that you direct a speciall commissioun ather to the Chanceller of the University or to ony uther whome you think meitest, to mak oppin duris, and to voyde furth of those rowmes, formerlie possest be the said Mr Andro, suche goodis and stuffe as did peculiarlie belong to him, and to caus putt those goodis in some suir keiping, under inventair to be maid furthcomeand, and thairefter to delyver the keyis of the saidis roumes to the said Mr Robert, to the effect that he, as provest of the said College, may posses the same. And so we bid you fairwele.—To oure trusty and weilbelovit cosines and counsellouris, the Erll of Dumfermling, oure Chanceller," &c., *ut supra.* [See p. 441, *ante*]. Royal Letters, 1604–1612.

Windsor, 6th Sept. 1607. Letter from his Majesty to the Council anent Mr John Dykes and other ministers.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—Undirstanding of the insolent cariage and misbehaviour of Mr Johnne Dykis, Mr Johnne Cowdoun, and Skryngeour, ministeris, in the last Synode of Fyffe, keepit at Dysert [*ante*, p. 382, footnote], and how far thay did transcend the boundis of that modestie that did become men of thair calling and functioun, and thairwith did misregaird the Actis of the Generall Assembleye, and specialie of that last keepit at Lynlythgow: to the effect thairfoir that thair impunitie for these thair grose oversichtis sould not enbolden bothe thame and utheris to a forder contempt, and unto suche tyme as we may be fullie certiorate of thair misbehaviour of that Synode, oure pleasour and will is that in the meantyme thay be confynned within the boundis of thair parrocheis quhair thay ar ministeris, willing you to direct chargeis aganis thame commanding thame that thay do noway departe furth of the same, under the pane of rebellioun, etc. And, in caise of thair dissobedyence in transcending the boundis prefixt, you sall gif ordour for causing thame presentlie thairupoun be denunceit oure rebellis. And, remitting the same to your speciall cair, we bid you fairwele. To oure right trustie, *ut supra.*" Page 96.

Royston, 18th Oct. 1607. Letter from his Majesty to the Council anent the Laird of Lochinvar.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele :—We haif hard of that detestable fact committit by the Laird of Lochinvar in killing of one of his awne servandis, being of his name and bloode, within his awne house, who nather did expect ony invasioun nor had ony armour aboute him [see *ante* p. 435 and footnote]. We ar lykewayes certifyed of those pretendit excuissis maid by him for justifying of that actioun. Alwayes, heirin oure pleasour and will is that you sall tak some course, by chargeis or utherwayes, to caus the Lady Lochinvar, his spous, be exhibite befoir you and then sequestrat in some neutrall hand; and, upoun the compeirance of the said Laird befoir you, our will is that

Royal Letters, 1604-1612.

you committ him in suche sure keeping as you sall think convenient; and then, by examining of ather of thame, to trye out the certantie of the fact and hole circomsetanceis thairof, and to send into us the note of your hole tryale and procedingis in that mater, to the effect that we, being advised thairwith, may return unto you oure forder pleasour and will in that mater. And so we bid you fairweele. To our richt trustie, *ut supra.*"

Royston, 18th Oct. 1607. Letter from his Majesty to the Council anent Mr William Livingston.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Undirstanding of the unquiet and turbulent dispositioun of Maister Williame Levingstoun, minister, professing himselff rather a fyrebrand of discorde and dissensioun then, according to his dewytie and functioun, a goode instrument for the unitie and peace of the Churche, since thairfoir the restrayning of suche personis frome thair too muche wandering and travelling abroade is necessarie boithe for the quietnes of the Churche and for the weele of thair particulair flocke, whiche is neglectit often upoun thair too greate desyir to be busyed in unnecessarie and unprofitable imployments, oure pleasour and will is that, by oure speciall command in oure name, you do confyne the

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said Maister Williame Levingstoun within the boundis of his awne parroche quhair he is preacheour, inhibiting him to transcend or come furth of the boundis thairof without our speciall licence had and obtenit, and that under the pane of rebellioun, etc.—And, willing you upoun the ressett heirof to gif ordour heiranent, we bid you fairwele. To oure richt trustie, *ut supra.*"

Royston, 18th Oct. 1607. Letter from his Majesty anent the Master of Crawford and the young Laird of Edzell: rebuking the Council for their inertness in that matter.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—This late libertie assumed be divers malefactouris, so fer contemning the ordinair course of oure lawis and justice as, without all feir of the same, haveing committit quhatsoevir capitall offenssis, thay do na so muche as absent thameselffis oute of the cuntrey, bot, presomeing of impunitie, dair repair to our cheif burrowis uncontrolled, doith bring upoun you of our Counsell thair a verie greate imputatioun of omissioun of dewitie in your charge. For, as it aucht to be your speciall cair, upoun the committing of ony notorious fellonye, not onlie to gif strait chargeis and commandimentis to shereffis and all uther magistratis in whose jurisdictioun ather the fact is committed or the committaris supposed to resorte for thair searche and apprehensioun, and also to that companie of horsmen under the charge of the Lord of Scone who at oure greate coist ar interteined oute to attend your directionis, bot also to tak speciall tryale of the ressettaris of those murderaris and utheris fellonis, and to caus thame be procedit aganis with all severitye, so it is no doubt bot your cairfull regaird thairof wald haif prevented the greif we consave and the sclander of your cairlesnes whiche is arissin upoun this proude contempt of oure authoritie by the Maister of Craufurde and young Edzell, ather of thame guilty of most vyle murthouris. With whome howsoevir thair

pairtyis do agree and transact, yit do we nevir intend to grant to ony of thame pardoun or remissioun: who, not contenting thameselffis so heichlie to haif offendit bothe aganis God and us, will nevirtheles disdane and contemne ony feare whiche aucht to be had ather of oure lawis or executioun thairof, and spair not publictlie to repair to some of oure cheif burrowis and mony menis houssis of goode accompt, being weele ressavit, intertenyit and suppleit. And, howsoevir we know bothe the searche of oureselffis and the diligence of that oure Gaird to be so far frome doing of thair dewytie in suche caises as most commouneily thay doe not seeke ony afoir thay be assured that thay ar first fled and not to be found,—wherunto we think you aucht bothe to advert and to punishe,—yitt, so long as thair ressett is so publict and thair ressettaris so notorious and unpunished, we can not altogidder hald you excused. For, althocht the repair of the Maister of Craufoorde with sound of trumpett to oure burgh of Dundee wes verye notorious, yitt nouther did magistrate nor maister of the house quhair he ludgeit evir smert thairfoir. Bot, in the tyme of the insolencyis of the traytour Bothuill, so long as we spaired the ressettaris we scairse could be red of his ressett within oure cheif burrowis, yea and in placeis alsua verye neir unto oure awne pallaceis; bot, when thay wer ones seveirlie punnissed, experience can show how want of forder ressett enforced his remove to foreyne pairtis. And, thairfoir, that by your cairlesnes in directing, or neglect in seeing executioun, the feare and regaird of oure princelie authoritie be no langer contemned, we will wishe you to prevent oure just reprooffe heirin. Wherunto hoiping these presentis sall serve you for ane admonitioun and goode warning, we leave you to Godis keeping. To oure richt trustie," etc.

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Royston, 18th Oct. 1607. Letter from his Majesty for admission of Sir Alexander Drummond on the Council.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you wele:—Upoun the goode reporte of the mony goode pairtis and weill inclynned dispositioun of Sir Alexander Drummond of Medop, knicht, and of his affectioun and willingnes to oure service, we have thocht meete to admitt him to the nomber of oure Prevey Counsellouris of that oure kingdome; and thairfoir oure will and pleasour is that you caus tak his oath and ressave him in that place, to be injoyed by him with all previlegeis and immuniteis belonging thairto. Wheranent thir presentis salbe unto you a sufficient warrant. And sua we bid you fairweele."[1]

Royston, 18th Oct. 1607. Letter from his Majesty to the Council anent the mode of dealing with Lord Maxwell.

"Richt trustie and weilbelovit cosines and counsellouris, we grete you wele.—Forasmuch as the Lord of Balmerinoch, our Secretarye, at his being with us, craved oure resolutioun and pleasour concerning the Lord Maxwell, whome for his mony misdemeanouris we commandit to be committit and detenit in saulf custodie, we have thairfoir by these presentis thocht goode to signifie unto you oure determinatioun in that mater. Whiche is that he be still detenit in custodie till he bothe enter his

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[1] For the history of the case of the Master of Crawford and the young Laird of Edzell, in connexion with this letter, see entries *ante* by Index.

Royal Letters, 1604–1612.

brethrene to you and submitt all materis in contraversie betuix him and the Erll of Mortoun eyther to you of oure Counsell or els to suche neutrall freindis as you sall think most fitte and able to tak away all rootis of dissensioun frome betuix thame in tyme comeing.—Quhairin most eirnistlie craving your cair and diligence, we leave you to Godis keeping."

Royston, 18th Oct. 1607. Letter from his Majesty to the Council concerning failure of his rents and revenues from Scotland.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—The payment of oure debtis being hithertillis pretendit for the reasoun and excuse that oute of that oure kingdome we did ressave thir yearis bigane no yearlie rent at all, and since the Esteatis of that oure kingdome, for outredding of those oure debtis and satisfactioun of oure creditouris, did voluntarlie offer unto us a subsidye and taxt, quhairof thair is one terme alreddy gone, and another neir approcheing, it wilbe muche admired yf that now thair do not some free rent aryse unto us. For avoiding thairfoir the scandell of mispending the same, we wald haif you to call befoir you oure officiaris of ressait within that kingdome, suche as Thesaurair, Comptroller, and Collector, and thair deputis, and to tak a particulair tryale heirin, and thairwith some course how at this approcheing terme of Martymes thair may be some free moneyis layed up in oure cofferis, that so it may not be thoght that we ather forfeyted or quite the benefeit and rentis of that oure kingdome upoun oure comeing hither. And, willing you heirof to be cairfull and to certifie us of your proceding heirin, we bid you fairwele,—To our richt trustie, *ut supra*."

Royston, 18th Oct. 1607. Letter from his Majesty to the Council as to the confining of disorderly Borderers.

"Richt trustie and weilbelovit cosines and counsellouris, we greete you weele:—Whairas, for the better setling and quieting of the Middle Shyris of this Iland, and reduceing of thame to oure obedyence and to that goode ordour whiche we so eirnistlie wishe, it is expedient that some of the ringleadaris within these boundis, who ather by thair bigane conversatioun hes gevin just caus of suspitioun, or by thair present mantening, ressetting, and countenanceing of these disordourit courseis quhairwith the boundis foirsaidis haif bene muche disquieted, sould be confynned in some parte removed frome thair ordinarie residence; and since that same course is takin by oure Counsell heir for suche as duell within those of the Middle Shyris belonging to this oure kingdome: so in lyke maner oure pleasour and will is that you tak the lyke ordour for confyneing of suche as duell within ony parte of the late wardanreyis belonging to that oure kingdome, of whatsoevir qualitie or conditioun thay be of, according as you sall thairin particularlie be advisit by oure richt trustie cosine and counsellour the Erll of Dunbar, oure Lieutennent over the Bordouris, als wele concerning the personis thameselffis as for the pairtis and placeis wherunto thay ar to be confyned. Willing you also noway to gif ordour ather for releving or enlargeing of ony of those confynned without the expres consent of oure said Lieutennent, unto whome as we haif committed the cair and charge of that service, so will we be loathe that ony thing sould be

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procedit thairin without his knowledge, and that his speciall advise wer had thairto. And so we bid you hairtelie fairweele." Royal Letters, 1604–1612.

Royston, 30th Oct. 1607. Letter from his Majesty to the Council anent a commission given to Ogle of Popplehall for repression of vagrants and beggars.

"Right trusty and welbeloved cosines and counsellouris, wee greete you heartely well :—It is not unknowen to you what inconvenientes do arise unto the subjectes of that our realme by the multitude of idle people which, taking themselves to no occupation, are suffered to go from place to place under the name of beggers; which hath bene no small disgrace to our said kingdome in other nations. And, since the neglecte of that evill will make it the hardlier to be cured whensoever it shall brust furth into a sore, wee have given commission to oure beloved Williame Ogle of Poppillhalle to see dew execution of whatsoever Actes or lawes have bene made against such people, and moreover to follow out such course against them as shal be thought most fitte for repressing of the present and hinderance of the groweth of others. Which his commissioun being so beneficiall to the whole subjectes, we have thought good to recommende your expedition, willing you to assiste him in whatsoever reasonable course he shall take to atteyne so good an ende. Wherof not doubting but every one of you in particulare wilbe carefull, wee bid you heartely farewell." [1] Miscellaneous Papers.

[1] Original letter under the sign manual.

ACTS OF CAUTION.

A.D. 1604–1607.

ACTS OF CAUTION.

Acta Cautionis, 1601–1605. Fol. 240, b.

Uthred M^c^Dowgall of Mondrok, having become surety for Johnne, Earl of Cassillis, in £5000, that he shall not harm Andro, Lord Stewart of Uchiltrie, William Crawfurd of Lochnoreis, George Crawfurd, his son and apparent heir, Josias Stewart, brother of the Lord Uchiltrie, or Johnne Kennedy of Blairquhan, the said Earl now binds himself to keep skaithless his said surety in the premisses.—Mr Alexander King, advocate, registers the band, written by Edward Meklejohne, servitor to James Prymrois, Clerk of Council, and subscribed at Thirlstane Castle, 27th March, before Mr Cristopher Cokburne and Patrik Hammiltoun, servitors to the Earl of Cassillis. Edinburgh, 4th April. 1604. Caution for the Earl of Cassilis.

Caution by Johne Lairdis (Laird) and James Grahame, younger, merchants, burgesses of Edinburgh, for James Tracquair and George Tennent, burgesses there, either of them in 500 merks, that they shall observe the Act and proclamation made anent the prices of poultry and wild fowls (see vol. v. pp. 507, 511) by not selling the same at dearer prices than there mentioned, presenting the same at market and selling them at the prices fixed, and revealing the names of persons hiding the said goods in their houses and not presenting them to market. Edinburgh, 6th April. James Tracquair and George Tenant

Fol. 241, a.

The Lords of Secret Council, with consent of Johne, Lord Flemyng, prorogates and continues the entry of Patrik Flemyng within the tolbooth of Edinburgh to 1st May next, the said Lord becoming bound for his entry there upon that day, under pain of 5000 merks (see vol. vi. p. 819).—31st May, this Act satisfied by the entry of Patrik Flemyng in the said tolbooth: J. Prymrois. Edinburgh, 10th April. Patrick Flemyng.

Caution by Hew Kennedy of Airreis for Thomas M^c^Crokane in Daregill, and Johnne M^c^Crokane, his brother, 400 merks each, not to harm Johnne M^c^Dill, elder, at the Mill of Renistone, and Johnne M^c^Dill, younger, his son, conform to the charge given to them by James Creichtoun, messenger.—Robert Hammiltoun, advocate, registers the band, written by Andro Hannay, servitor to Michell Cochran, sheriff-clerk of Wigtoun, and subscribed at Muchrum, 5th April, before James Muir of Drumskeoch, Gilbert Dungelsoun in Tullemalye, James M^c^Mulyeoun in Muchrume, William Auchfedereis, servitor to the Laird of Mochrum. Thomas MacCrocken and his brother

Fol. 241, b.

Patrik Gray of Ballegarno for George Kynnaird in Inchesture, £1000, and for James and Johnne Kynnairdis, his brothers, either of them in 500 Edinburgh, 16th April.

George Kinnaird and his brothers.

merks, not to harm Patrik Ogilvy of Inchemertyne, Thomas Ogilvy, his brother, James and Thomas Ogilvyis, his sons, Patrik and Andro Ogilvyis, his nephews, William and James Ogilvyis in Balgay, William Ogilvy, son of the said William, and William Clerk in Balgay.—Mr Richard Spens, advocate, registers the band, written by William Haitlie, notary, and subscribed at Inchesture, 11th April, before Andro Gray, brother of the said Patrik Gray, Johne Bursay, younger, burgess of Dundie, Patrik Kynnaird in Ballegarno, and said writer hereof. Acta Caut. 1601-1605. Fol. 242, a-b.

James Gray.

William Gray of Bandarran for James Gray, provost of Forgund, 500 merks, to the effect foresaid.—The band, registered and written as above, is subscribed at Dundie and Forgound, 12th and 13th April, before David Maxwell of Teilling, Andro Moncur of that Ilk, Hew Maxwell, apparent of Teilling, and Stephaine Currour, fiar of Logymeigill. Fol. 243, a.

George Kinnaird and his son.

Patrik Kynnaird of that Ilk for George Kynnaird in Ballegarno, and Patrik Kynnaird, his son, also to the effect foresaid.—The band, registered and written as above, is subscribed at Balgay, 14th April, before Patrik Bruce of Fingask, Malcolme Thraipland, his servitor, Robert Kynnaird, son of the surety, and said writer hereof,—the last subscribing for George Kynnaird. Fol. 243, b.

Patrick Kinnaird and his two brothers.

David Maxwell of Teilling and Androw Moncur of that Ilk for Patrik Kynnaird of Inchesture, £1000, and for Androw Kynnaird, his brother, and Androw Kynnaird, his brother natural, 300 merks each, also to the effect foresaid.

Edinburgh, 18th April. David Veitch and others.

Oliver Kay, merchant, burgess of Edinburgh, for David Veitche, George Geddes, James Twedy, Thomas Williamsoun, James Horsburgh, Michaell Pringle, Charlie Pringle, Alexander Broderstanes, Gilbert Lawder, Androw Patersoun, James Wallace, William Geddes, Johne Fairlie, William Wilsoun, and Johne Edmond, burgesses of Peblis, £50 each, to buy each of them from Sir Micchell Balfour, or James Lowry, his factor, a complete stand of footmen's arms, in case it be found they ought to do so. Fol. 244, a.

Edinburgh, 19th April. Mr William Kellie.

Archibald Hammiltoun of Beirfurde for Mr William Kellie, writer, £1000, not to harm Mr Johnne Achesoun, eldest son and apparent heir of Thomas Achesoun, master cunyeor.—Mr Johnne M^{c}Gill, advocate, registers the band, written by the said Mr William, and subscribed at Edinburgh, 18th April, before William Swane, David Logane, and Robert Dowglas. Fol. 244, b.

Edinburgh, 24th April. Hew Kennedy and others.

Gilbert Ros, provost of Mayboll, for Hew Kennedy of Penquhirrie and Hew Kennedy of Garriehorne, 2000 merks each, and for Oliver Ros in Mayboll, 1000 merks, not to harm Johne Schaw of Keiris.—Mr Alexander Moresoun, advocate, registers the band, written by the said Oliver, and subscribed at Mayboll, 20th April, before Findlay M^{c}Calloun in Kilkerrane, George Gibsoun in Knokcawer, Johne M^{c}Nedar in Mayboll, and Thomas Fergusoun there. Fol. 245, a.

Edinburgh, 26th April. Patrick Ogilvy and others.

James Monnorgoun of that Ilk for Patrik Ogilvy of Inchmartene, 3000 merks, and both for Patrik Ogilvy, his (Patrik's) oy, £1000, for James Ogilvy, his son (Laird of Inchmartene's), 1000 merks, for Thomas Ogilvy, brother

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of said Laird, Thom as Ogilvy, his son (Laird's), Androw Ogilvy, said Laird's nephew, William and James Ogilvyis in Balgay, William Ogilvy, son of the said William, and William Clerk in Balgay, 500 merks each, not to harm Patrik Kynnaird of Inchesture, Androw Kynnaird, his brother, Androw Kynnaird, his brother natural, George Kynnaird in Ballegerno, Patrik Kynnaird, his son, George Kynnaird in Inchesture, James and Johne Kynnairdis, his brothers, James Gray, provost of Forgund, and Robert Gray, his brother.

Fol. 245, b.

Johne Forrest of Parkwall of Dirletoun for Johne Gordoun, merchant, burgess of Elgyne, not to harm James, Earl of Murray, or his tutors and curators for their interest (see p. 550), under the pains in the King's letters. Edinburgh, 27th April. John Gordon

James Andersoun, merchant, burgess of Elgin, for James Petre, burgess there, and Johne Bonyman, burgess there, for Johne Geddes, merchant, James Petrie.

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burgess there, either of them in 500 merks, to the effect foresaid.

David Torrie, burgess of Elgin, and Alexander Grant, burgess there, the one for the other, James Young and George Wanis, also burgesses there, each in 500 merks, also to the effect foresaid, conform to the letters David Torrie and others.

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raised against them of date at Edinburgh 23rd June 1602.—Mr Patrik Forrest, advocate, registers the band, subscribed at Elgin, 19th April, before Johnne Cokburne in the College of Elgin, Alexander Gordoun in Mestowie, James Tarres, notary public, William Mortimer, glasswright, burgess there, and Alexander Myll, writer hereof,—the said notary and Thomas Hay, notary, subscribing for David Torrie, Alexander Grant, and George Vanis.

Gilbert Ros, provost of Mayboll, for Johnne Kennedy of Baltersane, Oliver Baird of Kilquhinzie, and Gilbert Fergusoun of Dalduff; said Fergusoun for Patrik M°Ilvane of Grumet, Johne Corrie of Kelwode, and the said Provost; Johne Dik of Barbestoun for Johne M°Ilvane, apparent of Grumet, and George Corrie, apparent of Kelwod; Hew Kennedy of Garriehorne for Johne Dik of Barbestoun and Walter Kennedy of Knokdone; Oliver Ros in Mayboll for Hew Kennedy in Danger; Gilbert Kennedy of Moununsioun for Arthour Kennedy in Altenalbenoch and Johne Kennedy in Traboyak: not to harm Johne John Kennedy and others.

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Schaw of Keir, under the pains following:—Kennedy of Baltersane, Johne Corrie, George Corrie, Kennedy of Garrehorne, Kennedy of Penquhirrie, Baird of Kilquhinzie, 2000 merks each; Patrik M°Ilvane, Johne M°Ilvane, Gilbert Fergusoun, Johne Dik, Johne Kennedy in Traboyak, and Kennedy of Knokdone, £1000 each; and each of the other persons 1000 merks.

Thomas Elphingstoun of the West Pans of Musselburgh for Waltir Smyth, messenger, and both for James Caddell, burgess of Elgin, 500 merks each, not to harm the Earl of Murray or his tutors and curators. Edinburgh, 1st May. Smith and Caddell.

Fol. 247, b.

Alexander Cunynghame of Corshill for Robert Cunynghame of Watterstoun, Robert Cunynghame of Auchinhervie, and William Cunynghame of Clonbeith, to warrand and relieve James, Earl of Glencairne, for any deed to be done by them whereby there may be a break of the assurance made Robert Cunningham and others.

by him to Hew, Earl of Eglintoun, and Robert, Lord Semple, in case it be found that they ought to do the same.—Mr Umphra Blinsele, advocate, registers the band, written by Alexander Cunynghame, writer, and subscribed at Corshill, 21st April, before William Mure, younger of Rowallane, Patrik Cunynghame of Halpland, said writer hereof, and Donnald Cunynghame, his servitor. Acta Caut. 1601–1605. Fol. 248, a.

Edinburgh, 2nd May. Thomas Hay.

Johne Hay of Smeithfeild for Thomas Hay, merchant, burgess of Elgyne, 500 merks, not to harm James, Earl of Murray, his tutors and curators,—Robert Hay, son of the said Thomas, becoming surety in relief.

Holyrood, 3rd May. Andrew Fyfe and others.

Robert Flescheour, burgess of Dundie, for Androw Fyffe, Williame Strauchane, William Saidlar, and Thomas Jak, burgesses of Dundie, 300 merks each, to answer when charged to the complaint to be made against them by the provost and bailies of Dundie touching their keeping of unlawful assemblies within the said burgh and subscribing of bands; also to behave themselves as peaceable neighbours in the said burgh.

Earl of Orkney.

Sir James Skrymgeour of Dudhope for Patrik, Earl of Orknay, 5000 merks, to enter Sir Patrik Bellenden before the Council upon 2nd July next. Fol. 248, b.

William Hay.

Peter Hay of Kirkland for William Hay, burgess of Perth, 500 merks, to appear before the provost and bailies of the said burgh, the ministers of his own presbytery, or the Lords of Secret Council when charged, and answer for his reset of Mr John Hammiltoun and other Jesuits and seminary priests.

James Donaldson and others.

James Donnaldsoun, merchant, burgess of Elgyne, and Robert Keith, burgess there, the one for the other; James Reid and Alexander Layng, burgesses there, the one for the other; William Clerk, burgess there, and George Duncane, tailor there, the one for the other; Richard Wardane, burgess there, and Johne Angus there, the one for the other; James Jamesoun, burgess there, and James Chalmer there, the one for the other; Androw Tailyeour and David Murray, burgesses there, the one for the other; Nicoll Watsoun, burgess there, and Alexander Thome, maltman there, the one for the other; Johne Culback and Alexander Riauch there, the one for the other: all in 500 merks each: not to harm James, Earl of Murray, or Archibald, Earl of Ergyll, Johne, Earl of Mar, William, Earl of Mortoun, Symone, Lord Fraser of Lovat, Hary, Commendator of Sanct Colmsinch, Sir Robert Crychtoun of Cluny, James Lindsay of Dowhill, and James Stewart, parson of Sawling, his curators, conform to the charge given to the said principals, dated at Edinburgh, 23rd June *anno regni* 35. —Archibald Boyd, advocate, registers the band, written by Alexander Mylne, writer in Elgyne, and subscribed there 28th April, before William Hay in Ballichragan, Johne Wardane, and Androw Smyth in Elgyne, George Hay in Breniehill, William Mortymer, burgess of Elgyne,—Thomas Hay and James Tarres, notaries, subscribing for the principals. Fol. 249, a.

Thomas Hay and others

Thomas Hay, merchant, burgess of Elgyne, and Johne Wardane, burgess there, the one for the other; William Mortymer, glasswright, and Androw Smyth, burgesses there, the one for the other; Robert Mawer Fol. 249, b.

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and James Kay, burgesses there, the one for the other: all 500 merks each: to the effect foresaid.—Archibald Boyd registers the band, subscribed at Elgyne, 21st April, before Johne Man in Greneheid, William Hay of Ballachragan, William Clerk in Bellivrayet, James Reid, burgess of Elgyne, Thomas Mylne, burgess there, Androw Tailyeour, burgess there, Alexander Riauch there, and Alexander Mylne, writer hereof,—Thomas Hay and James Tarres, notaries, subscribing for Johne Wardane and Androw Smyth.

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James Cunningham.

Johne Cunynghame of Crawfeild for James Cunynghame of Glengarnok, 3000 merks, not to harm George Cunynghame of Hagis.—Mr Henry Balfour, advocate, registers the band, written by William Cunynghame, writer in Edinburgh, and subscribed there, 3rd May, before Johne Semple of Corrinth, Johne Lindsay of Blaksome, Johne Auchinros, burgess of Dumbertane, and the said writer hereof.

Edinburgh, 4th May. Sir John and Mr William Cranston.

Mr James Douglas of Cavers, sheriff of Roxburgh, for Sir Johne Cranstoun of that Ilk, and Mr William Cranstoun, fiar of that Ilk, £2000 each,

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not to harm Mr David Makgill of Cranstounriddell.—Androw Kneland registers the band, written by Robert Alesoun, notary in Jedburgh, and subscribed at Caveris and Nether Turlug, 15th March, before William and Robert Dowglassis and William Newbie.

Edinburgh, 5th May. Sir William Stewart.

Johne Buchannane of that Ilk for Sir Williame Stewart of Tracquair, 5000 merks, not to harm Sir Johne Murray of Ettilstoun, Sir Johne Murray of Fawlawhill, or Mr Jedeon Murray of Glenpot,—the principal and

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surety registering the band, subscribed at Haliruidhous, 5th May, before Mr Alexander Hay, one of the ordinary clerks of the session, and Nicol Kynneir, his servant.

Edinburgh, 10th May. James Gardner.

David Auchmowtie, merchant, burgess of Edinburgh, for James Gairdner, master cannoner of the Castle of Striviling, to buy from Sir Micchell Balfour of Burley such quantity of arms as he ought to buy, under the pain of £50 for each stand.

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Dundee, 16th May. Commendator of Dryburgh.

Sir James Skrymgeour of Dudop for David, Commendator of Dryburgh, to buy from Sir Michaell Balfoure of Burley such arms as the Lords of Secret Council shall find he ought to purchase, under pain of £100 for each stand.

Sir James Scrymgeour and others.

Sir James Skrymgeour of Dudop, as principal, and David Carnegy of Kynnaird, as surety, and the said Sir James for said David, and for Johnne Skryngeour, apparent of Dudop, Mr Johnne Carnegy of Ethie, Robert Carnegy, his brother, Mr George Halyburtoun of Kelour, William Halyburtoun, his brother, David Ramsay, apparent of Jordanstoun, Sir William Grahame of Claverhouse, James Durhame of Pittarrow, Mr Alexander Wodderburne of Kingany, William Auchinlek of Wodhill, Mr Johnne Lovell, bailie of Dundie, George Ramsay of Flashill, Alexander Ramsay of Gedhall, David Weddirburne, Alexander Kid, Williame

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Duncane, elder, Mr Johnne Duncane, his son, Williame Duncane, chirurgeon, Johnne Finlasoun, Johnne Skrymgeour, Johnne Aliesoun, William Hill, Robert Goldman, William Goldman, Mr William Fergus-

soun, Johne Shewane, Patrik Ramsay, smith, Johne Sym, waulker, Alexander Middletoun, weaver, Patrik Smert, flesher, William Gairdin, bonnetmaker, William Pettilloch, skinner, Johnne Noble, tailor, Alexander Broun, tailor, Petir Imbrie, Johnne Haliburtoun, James Thomsoun, litster, David Coustoun, Thomas Coustoun, his brother, William Barrie, Thomas Gairdin, Thomas Lindsay, goldsmith, Robert Woddirburne, elder, Robert Woddirburne, younger, Patrik Weddirburne, merchant, Alexander Weddirburne, his son, Andro Kynnaird, Johnne Lovell, elder, James Kynnaird, Patrik Lyn, Alexander Sommer, Petir Man, James Alliesoun, smith, James Lindsay, bailie to the Constable, in the Hill, Robert Alliesoun, smith, Gabriell Sommer, cordiner, Johnne Goldman, younger, Thomas Fyff, baxter, George Clerk, baxter, Thomas Auchinlek, Johnne Bursey, elder, Charlis Keyth, James Strauchane, mariner, Johnne Cunisoun, *alias* Baron Cunisoun, Mr David Lyn, schoolmaster, burgesses and inhabitants of Dundie, not to harm Robert Flescheour, bailie of Dundie, William Rollok, Waltir Rollok, David Flescheour, Andro Flescheour, James Findlasoun, James Low, Johnne Rankene, Waltir Couper, Andro Fyff, Thomas Jak, Williame Strauchane, William Saidlair, James Fyff, baxter, James Wat, saddler, Thomas Hunter, notary, David Huntair, merchant, Johnne Hodge, David Rollok, Gilbert Gairdyn, skipper, George Gairdyn, skipper, Petir Hodge, cordiner, Archibald Blyth, skipper, William Blyth, mariner, Patrik Powrie, Thomas Duncane, Johnne Gibsoun, baxter, Thomas Gray, baxter, Alexander Annand, Thomas Ogilvy, Robert Jak, or Johnne Foullartoun, burgesses of Dundie, under the pains following: viz. Lairds of Dudop and Kynnaird, either of them in 3000 merks, Skryngeour, apparent of Dudop, Lairds of Claverhouse, Ethie, and Kingany, 2000 merks each, Robert Carnegy, Mr Johne Haliburtoun of Kelour, David Ramsay of Jordanstoun, James Durhame of Pittarrow, William Auchinlek, and George Ramsay, £1000 each, and every one of the rest 500 merks. Acta Caut. 1591-1616. Fol. 32, a.

Dundee, 18th May. David Flesher and others.

Sir Waltir Ogilvy of Findlater for David Flescheour, Waltir Rollok, James Finlasoun, Waltir Cowpair, James Fyff, maltman, James Low, Thomas Jak, Andro Fyff, William Strauchane, William Saidlair, Johnne Hodge, Androw Boytour, Johnne Yeman, and Thomas Duncane, baxter, burgesses of Dundie, to obey the magistrates of the said burgh in all things concerning the execution of their offices, and to do nothing to disturb the state of the said burgh, under the pains following,—David Flescheour and Waltir Rollok, 1000 merks, each, and every one of the others 500 merks.

Mr George Haliburton.

Mr George Halyburtoun of Kelour for Mr George Halyburtoun, 500 merks, to remove out of the burgh of Dundie by four afternoon and not to return till 7th June next, the day appointed for trial of the complaints given in *hinc inde* by the inhabitants of the said burgh. Fol. 32, b.

Perth 19th May. William Moncreif.

William Murray of Abirleidnoch for William Moncrieff in the Kirktoun of Methven, £500, not to harm Patrik Young there.

Edinburgh, 21st May.

James Hammiltoun of Turnelaw for Andro Hammiltoun in Wandringshill, and Elizabeth Luggie, his spouse, 300 merks each, not to harm Robert Acta Caut. 1601-1605. Fol. 251, a.

Acta Caut. 1601–1605.

Boyd of Badinhaith, or James Cunynghame and James Crawfurd, his servitors.—Robert Hammiltoun, advocate, registers the band, written by Mr Andro Hammiltoun, schoolmaster at the kirk of Cambuslang, and subscribed at Cambuslang kirk, 19th May, before the said writer hereof, James Findlasoun (Finlay) in Lochwod, and James Smyth, "knokmaker," burgess of Glasgow. Andrew Hamilton and his spouse.

Fol. 251, b.

Thomas Wilsoun, merchant, burgess of Edinburgh, for Johnne Charterhouse of Hempisfeild, to pay to the sheriff of Dumfreis the sum of £20 as the "rest" of his part of the taxation of £100,000 granted for the Prince's baptism for his 40 pound land of Hempisfeild; also £36 for his part of the taxation of £100,000 granted for his Majesty's marriage for the tax of his said lands; likewise to pay to William, Commendator of Kelso, such sums of money as he shall be found owing him for his relief of the taxation of 100,000 merks, and of the last taxation of 100,000 merks for the teinds of his kirks of Trailflat and Drumgrie, conform to the letters raised against the said Laird of Hempisfeild, which are suspended to 15th July next. Thomas Kirkpatrik of Closburne and William Creichtoun of Librie, sheriff-deputes of the shire of Drumfreis, and the said Commendator, are ordained to be warned to 5th July. Edinburgh, 22nd May. John Charterhouse.

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Johnne Charterhouse of Amisfeild appears and consigns 1200 merks in the hands of Johnne Arnot treasurer-depute, to be delivered to Alexander, Lord Elphingstoun, and Johnne Drummond of Hathornedane. Also Arnot becomes bound that Charterhouse shall pay likewise to them 800 merks, making in all 2000 merks, in case it be found that he ought to do the same. Edinburgh, 23rd May. John Charterhouse.

Peter Hay of Kirkland for Findlay Tailyeour, servitor to his Majesty, 500 merks, not to harm Walter Young, Thomas Baird, Mathow Tod, or Scott, indwellers in Edinburgh,—Mr Alexander Hay, one of the ordinary clerks of council and session, becoming surety in relief. Finlay Taylor.

Fol. 252, b.

David Forrest of Gymmersmylne, as principal, and Hary Broun in Edinburgh, as surety, £1000, not to harm Patrik Hepburne of Newmylnes. Edinburgh, 24th May. David Forrest.

Johnne Cunynghame, merchant, burgess of Edinburgh, for William Cunynghame of Caprintoun, to buy from Sir Michaell Balfour of Burlie such quantity of arms as he ought to buy, under the pain of £100 for each stand. Edinburgh, 25th May. William Cunningham.

Fol. 253, a.

Johnne Bailyie of Braidschaw for James Bailyie, son of the late Alexander Bailyie of Litlegill, and George Twedy, his sister-son, 100 merks each, to answer upon 5th July next for their alleged coming, upoun 13th March 1603 at night, to the lands of Drestelrig, and to the dwelling house of Johnne Lowrie, and there wounding him in divers parts of his body; also to pay 10 merks for their escheat goods to the Treasurer in case it be found that they are orderly denounced rebels. James Baillie and George Tweedy.

Daniell Boill, messenger, for Cristeane Lindsay, spouse of the late William Murray, sometime master of the King's carriage, £100, not to harm Waltir Young and his colleagues abovewrittin. Christian Lindsay.

Fol. 253, b.

George Touris of Innerleith, as principal, and James Touris of Pitlethie, Edinburgh, 30th May.

George Towers. as surety, 2000 merks, not to harm Samuell Burnet, merchant, burgess of Edinburgh. Acta Cant. 1601–1605.

Edinburgh, 1st June. James Kennedy.

Patrik Agnew, younger of Lochnay, for James Kennedy of Culzeane, £1000, not to harm Johnne Dalrumple of Stair, James Dalrumple, his brother, or William Dalrumple, son of William Dalrumple in Pennyfadheuch.—Mr Johnne Russell, advocate, registers the band, written by Oliver Ros in Maybole, and subscribed there, 29th May, before Andro Agnew, servitor to the Laird of Lochnay, Johnne Reidpeth in Coiff, Johnne Kennedy there, and said writer hereof. Fol. 254, a.

Cuthbert Brown.

Harbert Herreis of Aikiebus for Cuthbert Brown, burgess of Drumfreis, 500 merks, not to harm Katherene Mundell, relict of William Schortrig, burgess there.

Hew Kennedy and others.

Johnne, Earl of Cassillis, for Hew Kennedy of Garrihorne, £1000, and for Johnne Dik of Barbarstoun and Captain Daniell Forrester, the said Earl's servitors, 500 merks each, not to harm Johnne Dalrumple of Stair, James Dalrumple, his brother, Williame Dalrumple, son of Williame Dalrumple at Pennyfodyeuchmylne, Dalrumple in Air, Micchell Dalrumple there, and the other Dalrumples mentioned in the King's letters.—Mr Lowrence M°Gill, advocate, registers the band, subscribed at Maybole, 27th May, before Gilbert Ros, provost of Mayboll, writer hereof, Arthour Kennedy, Johnne Flemyng, "our servitouris," and James Gowdie. Fol. 254, b.

Earl of Cassillis.

Hew Kennedy of Garrihorne and Johnne Dik of Barbourstoun for Johnne, Earl of Cassillis, to the effect foresaid, under the pain of thousand pounds.—The band is registered etc. as above. Fol. 255, a.

Edinburgh, 4th June. William Tait.

Williame Tait in Nungait, as principal, and Adame Tait in Stenhopismylne, as surety, £1000, not to harm Patrik Hepburne of Newmylnes. Fol. 255, b.

Edinburgh, 6th June. Malcolm Fleming and Jonet Miller.

Johnne, Lord Flemyng, for Malcolme Flemyng of Woddelie, and Jonet Millar, relict of George Plane in Kirkintilloch, 300 merks each, not to harm Robert Boyd of Baadinhaith, or James Cunynghame and James Crawfurd, his servants.—Mr James Donnaldsoun, advocate, registers the band, written by James Duncane, notary in Leinzie, and subscribed at Glasgow, 4th June, before Johne Stark of Auchinvoll, Thomas Flemyng, Johne Birsbane, "my servitouris," and said writer hereof.

Edinburgh, 8th June. John Baillie.

Androw Ker of Fentoun for Johne Bailyie of Braidschaw, £1000, not to harm Andrew Aikman in Yallowstruther, Johne Uchiltrie in Skaitheuch, Margaret Haddowy in the Thorne, James Aikman in Dreschilrig, Richard Aikman in Sandiegait, Robert Aikman in Furde, Johne Aikman in , James Castelhill in , Thomas Smythe in the Mains of Calder, Johne Broun in Calder, Mr Johne Broun there, Robert Tennent there, James Mure there, James Wallace there, Gawin Jamesoun in the Walkmylne, or James Wrycht in Brigend. Fol. 256, a.

Edinburgh, 11th June. John Logie and others.

George Hammiltoun of Rottinyairdis for Johnne Logie in Bennane, Johnne M°Lurg in Knokonner, Johnne Logie in Glencraig, and Williame M°Conquhy in Schalloch, not to harm Johne M°Linghane in Blairquhan, under the pains in the King's letters dated at Edinburgh 1st May last.—Robert Hammiltoun, advocate, registers the band, written by Robert Fol. 256, b.

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Lokhart, notary in Cumnok, and subscribed at Skillingtounmylne, in Cumnok, 9th June, before George Campbell in Eschank, Alexander Hervie, son of Johne Hervie at Skillingtounmylne, said writer hereof, and said Johne Hervie.

Perth, 12th June. Mr William Shaw and others.

Adame Hepburne of Bonhard for Mr William Schaw in Pitmurthlie, William King in Bruntounmylne, William Olipher in Laistoun, Lawrence Olipher in Haltoun, Johne Davidsoun there, and Robert Merchell in Pitcairne, to buy, each of them, from Sir Micchell Balfour, or Johnne Jamesoun, the factor, such arms as they are subject to buy, under the pain of £50 for each stand.

Edinburgh, 14th June. Edward Mure.

James Cunynghame of Montgrenane for Edward Mure of Park, to buy from Sir Micchell Balfour, or James Lowry, his depute, such arms as he

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ought to buy, under pain of £100 for each stand.

Robert Buchanan.

Johne Murray of Touchadame and William Buchannane of Drummakill become bound in 2500 merks to enter Robert Buchannane [in 3] Watterstoun, presently in ward in the tolbooth of Edinburgh, before the King and Council when charged, the said Robert, William, and George Buchannane of Auchinmar becoming sureties in relief.—Cornelius Tennant, advocate, registers the band, written by Johne Buchannane, writer in Edinburgh, and subscribed there and at Polmais, 11th and 14th June, before James Murray, brother of Johne Murray of Polmais, Thomas Murray in Corspatrik, Mr William Narne, and Duncane Buchannane in Dumblane, Johne Moncreiff, servitor to Johne Murray of Touchadame, Johne Buchannane, servitor to their Majesties, and Martene Newall, servitor to the said writer hereof,—John Buchannane and James Justice, notaries, subscribing for the Laird of Drummakeill.

Fol. 257, b.

Josias Stewart

Duncane M^{c}Adame, burgess of Ayr, for Josias Stewart of Bonytoun, 500 merks, to put Margaret Chalmeris, Lady Trochrig, to liberty furth of his company, in case it be found that she is kept by him; also to pay to the Treasurer £10 for his escheat goods within 40 days hereof, or else obtain nullity of the horning executed against him for not releasing her.

John Watson.

Johnne Watsoun, portioner of Sauchtounhall, as principal, and William Megot of Muirstoun, as surety, 1000 merks, not to harm Clement Russell, merchant, burgess of Edinburgh.

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Edinburgh. 15th June. Lady Calder and Mr John Brown.

Johnne Tennand of Cairnis for dame Elizabeth Herriot, Lady Calder, and Mr Johne Broun, bailie of Calder, £1000, to deliver James Bailyie and George Twedy, in the place of Calder for the present, to the Lieutenant of the King's Guard, to the effect they may be presented before the Lords of Secret Council, or otherwise to present them before the said Lords upon 3rd July next.—Mr Isaac Broun, advocate, registers the band, written by Alexander Lawsoun, writer, and subscribed at Calder, 15th June, before Mr James Spottiswode of Falhous, and Mr Johne Broun, vicar of Calder Cleir.

Edinburgh, 16th June. John Mundell and others.

William Hoipe, merchant, burgess of Drumfreis, for Johne Mundell, Johne Corsane, Adame Corsane, Stevin Lowrie, and William M^{c}Joir, burgesses there, 500 merks each, not to harm Cuthbert Broun, burgess there.

Katherine Mundell and others.

William Maxwell of Templand, apparent of Tynwald, for Katherene Mundell, William Hoip, her spouse, and Johnne Mundell, 500 merks each, to the effect foresaid.—Cornelius Tennent, advocate, registers the band, written by Robert Maxwell, notary, and subscribed at Drumfreis, 12th June, before Johne Ahannay, messenger, William Dalzell, writer, Mr Johne Maxwell, glover, said writer hereof, Johne Reid, glover, and Johne Gledstanis, burgesses of Drumfreis,—the said notary subscribing for William Hoip. Acta Caut. 1601–1605. Fol. 258, b. Fol. 259, a.

Edinburgh, 20th June. Patrick Brown.

Patrik Broun, bailie of Haddingtoun, as principal, and William Broun, burgess of Edinburgh, as surety, £1000, not to harm Patrik Hepburne of Newmylnis.

Edinburgh, 21st June. Sir John Murray and others.

Mr Jedeon Murray of Elibank for Sir Johne Murray of Phillophauch, Sir Johnne Murray of Ettilstoun, Sir Archibald Murray of Dernebill, and Patrik Murray, son of the said Mr Jedeoun; also Robert Scott of Thirlestane for the said Mr Jedeon, William Murray, his brother, Patrik and Walter Murrayis, brothers of Laird of Phillophauch, James and Robert Murrayis, sons of Patrik Murray of Kirkhous, and Androw Murray, brother of the late Alexander Murray in Newhall: not to harm Sir William Stewart of Tracquair, James Stewart of Schillinglaw, Robert and Walter Stewartis, his sons, James Stewart of Tynneis, William, Johne, and Robert Stewartis, his brothers, Johne and Alexander Stewartis, his lawful sons, and Alexander Stewart, his son natural, under the pains following: Lairds of Ettilstoun and Phillophauch, either in 5000 merks, Laird of Dernhall and Mr Jedeon Murray, either in 3000 merks, and each of the others in 1000 merks. Fol. 259, b.

Cuthbert Brown.

Thomas Maxwell, merchant, burgess of Drumfreis, for Cuthbert Broun, merchant, burgess there, 500 merks, not to harm Johne Mundell, burgess there.—James King, advocate, registers the band, written by Harbert Cunynghame, notary, and subscribed at Drumfreis, 15th June, before James Cunynghame and Robert Cunynghame, sons of Andro Cunynghame, burgess of Drumfreis, Harbert Wilsoun in Drumfreis, and Johne M^{c}Brair, brother of Robert M^{c}Brair of Almegill, the said notary subscribing for Thomas Maxwell.

James Sandilands and his spouse.

Robert Herreott, fiar of Trabroun, for James Sandielandis of Calder and dame Elizabeth Herreott, his spouse, £1000, to enter when charged James Bailyie, son of the late Alexander Bailyie of Litlegill, and George Twedie, his sister-son, now in Calder, in the tolbooth of Edinburgh, to stand trial for such crimes as can be laid to their charge, conform to the King's letters dated 18th June instant, and executed on 20th.—Mr Johne M^{c}Gill, advocate, registers the band, written by Alexander Lawsoun, writer, and subscribed at Calder, 20th June, before William Ros, father-brother of Lord Ros, Johne Sandielandis of Moisdykes, and Mr Johne Broun, vicar of Calder Cleir. Fol. 260, a.

Edinburgh, 26th June. Gilbert Menzies and others.

David Meinzeis of Easter Tullyboreis for Gilbert Meinzeis of Pitfoddellis, Johne Irwing of Kincowsie, Robert Gairdin of Tullyboreis, Gilbert Keyth in Blakhillis, Johne Collysoun of Auchlonyis, feuars of the barony of

Acta Caut. 1601–1605. Maryculter in the shire of Kincairdin, and the said Gilbert Meinzeis and Alexander Gairdin portioner of Banquhorrie, feuars of a part of the barony of Torrie lying within the said shire, to pay to Alexander Burnet of Leyis and Robert Arbuthnot, fiar of that Ilk, Commissioners for the small barons and freeholders of the said shire to the Parliament held in Fol. 260, b. 1601, the sum of 6s. 8d. for each poundland of the said baronies for the said Commissioners' expenses,—viz., Maryculter for six poundland, and Torrie for four poundland,—in case the Lords of Council find and declare them liable for the same ; also to pay to Alexander Burnet of Leyis and Alexander Strattoun of that Ilk, Commissioners for the small barons to the Parliament held this year, the like sums for their said lands, in case decree be given against the said feuars.—Mr Patrik Murray, advocate, registers the band, written by Johne Mylne, reader at Maryculter, and subscribed there, 22nd June, before Mr James Irwing, notary public, Mr Robert Mersar, parson of Banquhorrie, Androw Meinzeis, servitor to Gilbert Meinzeis of Pitfoddellis, and said writer hereof.

Johnne Hammiltoun of Prestoun for Alexander Cunynghame, now of Tourlandis, to warrand and relieve James, Earl of Glencairne, for any deed to be done by him which may lead to the break of the assurance by the said Earl to Hew, Earl of Eglintoun, or Robert, Lord Semple.—Mr Fo'. 261, a. Thomas Gray, advocate, registers the band, written by Johne Neilsoun, messenger, and subscribed at the Rocy, 18th June, before G. Hamiltoun and Hammiltoun of Ardrie. Edinburgh, 27th June. Alexander Cunningham.

Patrik Somervaill, merchant, burgess of Edinburgh, for Johnne Cunynghame of Cunynghameheid, to buy from Sir Michaell Balfour of Burley, or James Lowrie, such quantity of arms as he ought to buy, under the pain of £100 for each stand. Edinburgh, 30th June. John Cunningham.

William Harper, merchant, burgess of Edinburgh, for Patrik Hepburne of Fol. 261, b. Newmylnes, 1000 merks, not to harm Patrik Broun, bailie of Hadingtoun. Edinburgh, 3rd July. Patrick Hepburne.

Johnne Edzar of Landis for Samuell Wilsoun of Nether Clistoun, to buy from Sir Michaell Balfour, or James Lowrie, such quantity of arms as he ought to buy, under pain of £100 for each stand.—Mr Patrik Murray, advocate, registers the band, written by Thomas Edzar, younger, and subscribed at the Landis, 4th July, before Mungo Adamsoun, William Dumbar, and James Wilsone. Edinburgh, 5th July. Samuel Wilson.

Acta Caut. 1591–1616. Fol. 32, b. Mr William Ord, son of Thomas Ord of Findochtie, for Alexander Ord of that Ilk, £1000, not to harm Walter Ogilvy of Beddavie. Perth, 5th July. Alexander Ord.

Fol. 33, a. Duncane Craufurd of Auchinsoull for George Stewart of Baltersane, 300 merks, to answer on 23rd August next to a complaint against him by Sir Thomas Hammiltoun of Monkland, King's advocate, and Robert M°Alexander in Clauchane of Pennynghame, for invading the said Robert with hagbuts and pistolets. Perth, 6th July. George Stewart.

James Mortymer, fiar of Cragyvar, for George Leslie of Kincragy, 2000 merks, not to harm Adame Fraser of Finyeauch. George Leslie.

Johne Houstoun of that Ilk for Alexander Cunynghame of Craiganis and

Alexander Cunningham and others.

Alexander Flemyng of Barrochan, and Patrik Flemyng, fiar of Barrochan, for the said Houstoun, to buy from Sir Micchell Balfour of Burley, or James Lowry, his depute, such arms as the Lords of Secret Council shall find they ought to buy, under the pain of £100 for each stand. Acta Caut. 1591-1616.

Perth, 9th July. Provost and bailies of St Andrews.

Androw Watsoun, merchant, treasurer of the city of St Androis, for James Leirmonth of Darsie, provost, Mr William Weymis, Johne Knox, Thomas Lentrone, elder, and Androw Forrett, bailies of St Androis, Duncane Duncansoun, deacon of the baxters, and for the other councillors and inhabitants of the said city, and also the University thereof, 500 merks, to destroy the firlots which are not conform to the Act of Parliament, and to accept a new firlot made by the provost and bailies of Linlythgow of the standard in Act of Parliament (1592, c. 8, iiii. p. 586), in case it be found by the Lords of Secret Council that they ought to do the same.

Lord Boyd and Robert Boyd.

Adame Boyd of Templetoun for Thomas, Lord Boyd, and Robert Boyd of Badinhaith, to buy from Sir Micchell Balfour of Burley, or James Lowry, his factor, such arms as they ought to buy, under the pain of £100 for each stand. Fol. 33, b.

Edinburgh, 12th July. James Richardson and others.

George Hay of Monktoun for James Richartsoun, elder of Smetoun, 2000 merks, James Richartsoun, younger, his son, fiar thereof, £1000, and James Gourlaw, their collier in Newbigging, 100 merks, to find caution for the indemnity of Johnne Achisoun in Inueresk, in case it be found that they ought to do the same. Acta Caut. 1601-1605. Fol. 261, b. Fol. 262, a.

Robertson of Struan.

Gilbert Robertsoun, servitor to Mr Alexander Hay, for Robert Robertsoun of Strowane, to pay to Johne Monnorgoun at the Mill of Maweris certain sums of money for the prices of goods alleged to have been stolen from him by the late James Stewart V°Robert, said to be Strowane's man, conform to the decree obtained against him of date 13th July 1602, in case it be found that he ought to do the same.

Edinburgh, 17th July. John Boswell and others.

Johne Kirkaldie of Wester Abden for Johne Boiswell of Craigsyde, £1000, and for Robert Irwing, burgess of Kinghorne, and Johne Kirkaldie, son of the said Johne, 1000 merks each, not to harm Mr David Aytoun, heritable proprietor of the lands of Kinglassie, or Androw Abercrumby of Strarudie. Fol. 262, b.

Edinburgh, 18th July. Patrick Wood.

Mr Patrik Quhytlaw of Wester New Grange for Patrik Wode of Bonnytoun, 300 merks, not to harm Sir David Wod of Craig, Elizabeth M°Gill, his mother, Thomas Burgane, William Johnestoun, William Greig, and Alexander Burgane in Foullartoun, the said Elizabeth's tenants, in the peaceable possession of the third part lands of Enunany heritably belonging to Sir David, and in the lands of Foullartoun belonging to his mother in liferent, by pasturing their bestial on the growing corns and grass thereof. —Robert Hammiltoun, advocate, registers the band, written by Androw Dysart, "my servitour," and subscribed at Lethame, 16th July, before George Wardlaw, sheriff clerk of Forfar, Patrik Kello, and writer hereof. Fol. 263, a.

Crombie, 18th July. John Boswell.

James Kinghorne, clerk of the regality of Dumfermling, for Johne Boiswell of Craigsyde, £1000, not to harm Mr David Aytoun of Kinglassie or Androw Abercrumby of Strarudie. Acta Caut. 1591-1616. Fol 33, b.

Acta Caut. 1591–1616.

Johne Boiswell of Craigsyde for Robert Irwing, burgess of Kinghorne, and Johnne Kirkcaldie, second son of Johne Kirkaldie of Wester Abden, 1000 merks, to the effect foresaid. Robert Irvine and John Kirkcaldy.

Acta Caut. 1601–1605. Fol. 263, a.

Mark Achiesoun, portioner of Prestoun, for Johne Achiesoun, portioner of Inveresk, 1000 merks, not to harm James Richardsoun, elder of Smetoun, or James Richartsoun, his son, fiar thereof. Edinburgh, 20th July. John Acheson.

Acta Caut. 1591–1616. Fol. 34, a.

Sir James Crychtoun of Ruthven for Margaret Erskene, Lady Ruthven, Johne Crychtoun in Balmyle, Johne Malcome there, and Anthone Hendersoun there, not to harm David, Earl of Craufurd, Alexander Blair of Bathayok, William Blair of Bagillo, Andro Moncur of that Ilk, William Foullartoun of Ardoch, or Patrik Moncur of Chapeltoun, under the pains in the letters of lawburrows raised against them.—Mr Patrik, Murray, advocate, registers the band, written by Mr Robert Auchmowtie, servitor to my Lord of Balmerinoch, and subscribed at Barnetoun, 20th July, before Stevin Currour of Logiemegle, Robert Maxwell, brother of the Laird of Teilling, Archibald Fairer (Farer), servitor to the said Sir James. Edinburgh, 21st July. Lady Ruthven and others.

Thomas Lyell of Murthill for Sir Johne Lindsay of Wodwray, 1000 merks, not to harm Sir Walter Lindsay of Balgay.—Mr Patrik Murray advocate, registers the band, written by Johne Nory, notary in Brechin, and subscribed there, 21st July, before Robert Grhame, son of James Grhame in Leuchland, David Lindsay in Brechine, said writer hereof, and Johne Findlaysoun, messenger. Stirling, 26th July. Sir John Lindsay.

Fol. 34, b.

James Haliburtoun of Pitcure for Mr George Haliburtoun of Kelour, 1000 merks, and for Thomas Halden in Easter Kelour, Johne Andersoun in Auchtertyre, Henry Andersoun there, George Johnestoun there, and George Dog there, under the pains in the letters against them, not to harm David, Earl of Crawfurd, and his colleagues abovewritten.—Mr William Oliphant, advocate, registers the band, written by Mr Johne Sanders, notary, and subscribed at Pitcur, 19th July, before Johne Ramsay in Auchtertyre, George Thane there, James Dog there, Mr George Haliburtoun in Dundie, and the said writer hereof. Mr George Haliburton and others.

Fol. 35, a.

Johne Andersoun at the Mill of Newtyle for William Martene in Auchtertyre, 400 merks, to the effect foresaid.—Mr William Oliphant, advocate, registers the band, subscribed at Newtyle, 22nd July, before Thomas Halden, portioner of Easter Kelour, Robert Chaiplane at the Kirk of Newtyle, George Johnestoun in Auchtertyre, and Johne Andersoun there. William Martin.

Fol. 35, b.

Thomas Halden of Easter Kelour for Lawrence Andersoun in Auchtertyre, 400 merks, also to the effect foresaid. Lawrence Anderson.

Johne Murray of Polmais (Touchaddame) for Hary Wode, fiar of Bonytoun, 2000 merks, not to harm Sir David Wode of Craig, Elizabeth M^{c}Gill, his mother, Thomas Buryeoun, William Johnestoun, William Greg, or Alexander Buryeoun. Harry Wood.

Fol. 37, a.

William Leirmonth of Darsie for William Bruce of Erlishall, £1000, and for Alexander Forsyth of Nydie, 1000 merks, not to harm David Leitche of Munsiemylne; also that Bruce will not harm Henry Kynneir, portioner of Straburne, under the pain of £1000. William Bruce and Alexander Forsyth.

Fol. 37, b.

William Arthur and Alexander Forsyth.

David Ramsay of Brakmonth for William Arthour in Nydie and Alexander Forsyth in Balmatt, either of them in 500 merks, not to harm David Leitche in Munsiemylne. Acta Caut 1591-1616.

Stirling, 27th July. William Alexander.

Walter Lekky, son and apparent heir of Walter Lekky of Easter Poldor, for William Alexander of Cowbyre of Kethik, 1000 merks, not to harm Johne Campbell of Soutarhoussis. Fol. 35, b.

John Kidd.

Sir Johne Lindsay of Wodwray for Johne Kid in Wodwray, 400 merks, not to harm Sir Walter Lindsay of Balgayes.—Mr Patrik Murray, advocate, registers the band, written by Johne Nory, notary in Brechin, and subscribed there, 21st July, before Thomas Lyell of Murthill, David Lindsay in Brechin, Robert Grahame, " my servitour," said writer hereof, and Johne Findlaysoun, messenger. Fol. 36, a.

Sir Robert Dalzell and others.

James Johnestoun of Westraw for Sir Robert Dalzell of Eliok *et vice versa*, either of them in £1000, William Crychtoun of the Hill for Robert Dalzell in Gargland *et vice versa*, Laird of Westraw for George Craufurd in Kirkconnell, 500 merks each, not to harm James Makmath, son and apparent heir of Makmath of Castelgilmour.

Stirling, 28th July. Walter Barclay.

David Herring, fiar of Glasclune, for Walter Barclay, son of George Barclay of Matheris, 500 merks, not to harm Williame Barclay, burgess of Montrois. Fol. 36, b.

William Alexander and others.

Thomas Ewing, servitor to Johne, Earl of Mar, for William Alexander of Menstrie Mains, William Alexander, elder, in Middletoun of Menstrie, and William Alexander, younger there, to buy from Sir Micchell Balfour of Burley, or Johne Jamiesoun, his factor, such arms as they ought to buy, under the pain of £100 for each stand.

Stirling, 29th July. Sir Walter Lindsay and others.

Colene Campbell of Lundy for Sir Walter Lindsay of Balgayis, 5000 merks, David Lindsay, son of said Sir Walter, 1000 merks, and Margaret Lindsay, his daughter, and Adame Meinzeis of Boltoquhan, her spouse, 1000 merks, not to harm Sir Johne Lindsay of Wodwray.—Mr Robert Young registers the band, subscribed at Lundy, 16th July, before Robert Martyne, burgess of Linlythgow, Robert Elder, messenger, and Mr Thomas Low, servitor to the said Colene, writer hereof. Fol. 37, a.

Perth, 31st July. Alexander Forbes of Towy and others.

Arthour, Master of Forbes, for Alexander Forbes (? Fraser) of Towie, £1000, and for David Broun, his servant, Donnald M°Inneir, Patrik M°Inneir, Nicoll Downie in Towie, William Touch there, Androw Wilkie there, Francis M°Rob there, Alexander Forbes in Colqueich, William Forbes there, Johne Cuig, Henry Abercrumby, Johne Grymmestoun, Robert Forbes, Donnald Riach, James Ryach there, Allaster Andersoun there, Tobias Lunkart in , Andrew Smyth there, Henry Lunkard there, Patrik Thomesoun at the Mill of Culfeik, Alexandar Watt, George Lowrie, Alexander Fyffe *alias* M°Kie, Duncane Fyffe *alias* M°Kie, Duncane Thomesoun at the Mill of Towy, Johne Downy in Sonaboith, Williame Scott there, Arthour Gairdin in Fynnohard, James Hay there, William Reid there, Thomas Man there, Johne Jamesoun there, Johne Forbes of Fychle, Johne Thomesoun and Alexander Adamesoun in Finhard, William Forbes in Deskoyre, Eduard M°Ardy in Coryhoull, Fol. 37, b. Fol. 38, a.

Acta Caut. 1591–1616.

James M^cComes there, Allaster Quhyt there, George Forbes of Skelluter, Robert Ferquhersoun, Mr Arthour Andersoun in Auchnullen, Johnne Forbes in Ardgith, Johne Forbes in Ladintullie, 500 merks each, not to harm William Strachane of Glenkindie, Alexander Strauchane, his son, Alexander Strauchane, oy to the said William, Thomas Duncane *alias* Quhytheid, Johne Reid, Walter Mylne, James Mylne, William Bradie, Johne Watsoun, Wattie Watsoun, Alexander Torrie, Thomas Davidsoun, Thomas Esplen, and Johne Lokkie.—Mr James Donnaldsoun, advocate, registers the band, written by Mr Robert Hendersoun, minister, and subscribed at Forbes, 27th July, before William Forbes, apparent of Luer (?), Johne Olifer in Windsie, Patrik Forbes, "my servand," Johne Forbes, Mr A. Youngsoun, Patrik Forbes, Mr Arthour Ander, notary public.

George Summer, elder and younger.

Johne Mortymer, fiar of Cragyvar, for George Sommer, elder of Balyordy, £1000, and George Sommer, apparent of Balyordie, 1000 merks, to the effect foresaid.

Perth, 2nd August. Commendator of Inchaffray.

Johne Drummond of Newtoun for James, Commendator of Inchechaffray,

Fol. 38, b.

to deliver to James Wobster in Easter Cowstoun two cows with calf spuilyied by Duncane M^cAllaster V^cCondochie, alleged to be the said Commendator's man, or else to pay to him £20 as the price of each, in case it be found that he ought to do the same.

David Brown.

Patrik Moncur of Chapeltoun for David Broun, portioner of the lands of Cruchie, £500, not to harm Silvester Retray of Craighall.

Perth, 3rd August. David Leitch.

Johne Kynneir, fiar of that Ilk, for David Leiche of Munsiemylne, £500, not to harm Alexander Forsyth, father-brother of Alexander Forsyth of Nyde.

Henry Kinnear.

Johne Kynneir, fiar of that Ilk, for Henry Kynneir, portioner of Straburne, £500, not to harm Robert Haiksoun in Straburne.

Fol. 39, a.

David Leitch and others.

Johne Kynneir, fiar of that Ilk, for David Leich of Munsiemylne, £500, James Leiche, David Leich, and Johne Leiche, his sons, 500 merks each, not to harm Alexander Forsyth of Nydie, Alexander Forsyth, his uncle, or William Arthour, his tenant.

George Oliphant.

Mr Alexander Bruce, younger of Cultmalindie, for George Oliphant of Bachiltoun, 2000 merks, not to harm Gilbert Gray in North Bandirrane, Patrik Gray, his son, or William Broun in .—Mr William Oliphant, advocate, registers the band, written by Johne New, servitor to my Lord Oliphant, and subscribed at Dupling, 2nd August, before Johne New, Lawrence, James, and Johne Oliphantis.

Fol. 39, b.

Lord Oliphant.

Said Mr Alexander Bruce for Lawrence, Lord Oliphant, 4000 merks, to the effect foresaid,—said Mr William registering the band, written by Lawrence Oliphant of Condie, and subscribed as above before George Oliphant of Bachiltoun, said writer hereof, James Oliphant and Johne New, servitors to the said Lord.

Lord Oliphant

George Oliphant of Bachiltoun for Lawrence, now Lord Oliphant, £2000, not to harm David Currour of Logiemegle, or Stevin Currour, his son, fiar thereof,—the band, registered and written as above, being subscribed at Dupling, 1st August, before Mr Alexander Bruce of Cultemalindie, said writer hereof, Johne New, and Henry Oswald.

Perth, 4th August. William Martin and others.

Patrik Blair of Ardblair for William Martene at the Wood of Gormok, James Nicoll in Quhytloch, George Drummond, servitor to the Laird of Gormok, Thomas Wart at the Mill of Gormok, William Richie in Mawis, 400 merks each, and for Johne Blair, elder in Banchrie, 1000 merks, not to harm Margaret Watsoun, relict of David Souttar in Banchrie, Johne Souttar, portioner there, or James Souttar, his brother. Acta Caut. 1591–1616. Fol. 40, a.

Laurence Nairn and others.

Patrik Blair of Ardblair for Lawrence Narne of Tullyfergus; said Narne for Johne Blair, younger in Banchrie, George Blair, brother of the said Laird of Ardblair, Johne Narne, servitor to the Laird of Garmok, and Androw Blair of Gardrid; Johne Blair, elder in Banchrie, and Johne Blair younger there, for Thomas Blair in Kinclevin and James Bott in Ballachie, 400 merks each: to the effect foresaid.

Patrick Blair.

Patrik Blair of Ardblair, as principal, and Lawrence Narne of Tullifergus, as surety, 2000 merks, also to the effect foresaid. Fol. 40, b.

Perth, 7th August. David Leitch and others.

Henry Kynneir, portioner of Straburne, for David Leiche of Munsiemylne, *et vice versa*, either of them in £500, and the said David for James, David, and Johne Lecheis, sons of the said David, 500 merks each, not to harm William Bruce of Erlishall.

John MacInlay and John Blaikie.

James Nasmyth of Invar for Johne M°Inlay, weaver in Little Dunkeld, and William Dulsoun, merchant, burgess of Perth, for Johne Blaikie, wright in Little Dunkeld, either of them in £100, not to harm Alexander Boyd of Sait. Fol. 41, a.

Perth, 8th August. Robert Haikston.

Mr William Russell, advocate, in Sanctandrois, for Robert Haikstoun in Straburne, £500, not to harm Henry Kynneir, portioner of Straburne.

Gilbert Gray and others.

James Menteith of Gogar and Thomas Broun of Hollaclene for Gilbert Gray in North Banderrane, 1000 merks, and for Patrik Gray, his son, and William Broun, sometime in Haggeishall, either of them in 500 merks, not to harm George Oliphant of Bachiltoun.

James Kinnaird.

Sir James Skrymgeour of Dudhope, constable and provost of Dundie, for James Kynnaird, burgess there, 1000 merks, not to harm Androw Kynnaird, also burgess there.—Mr Alexander Peblis, advocate, registers the band, written by Johne Steill, notary, and subscribed at Dundie, 6th August, before Mr A. Wedderburne. Fol. 41, b.

Perth, 10th August. George Barclay and others.

Robert Falcouner of Ballandro for George Barclay of Matheris, 2000 merks, and for George Barclay of Brigtoun, and Walter Barclay, son of the Laird of Matheris, 1000 merks each, not to harm David Barclay, fiar of Matheris, Robert Barclay, his brother, Alexander Barclay in Easter Matheris, or Johne Barclay in Balmanno, conform to the King's letters dated at Perth 3rd July last.—Mr James Donnaldsoun, advocate, registers the band, written by Robert Cauldwell in Innerbervie, and subscribed at Ballandrow, 3rd August, before William Lundy in Nether Knox, George Keith in Arbornie, Robert Falcouner, son of the surety, said writer hereof, and James Neilsoun, notary public. Fol. 4 , a.

William Sinclair and William Roger.

Johne Fairlie of Colmestoun for William Sinclar of Rosling, 2000 merks, and William Roger in Heruden, 500 merks, not to harm Oliver Sinclar of Ravinsnuke.

Acta Caut. 1591–1616. Fol. 42, b.

George Small of Foderance for Johne Cow, skinner in Alycht, and Johne Cow, his son, 400 merks each, not to harm David Turnebull in Tullimurdow, or James Turnebull, his brother, sons of the late Thomas Turnebull in Middledumie.—The band, registered by Mr James Donnaldsoun, advocate, and written by Robert Broun, notary, is subscribed at Coltward, 7th August, before Thomas Small in Coltward, George Bissett, notary, Walter Jack, servitor to the said Thomas Small, Thomas Moncur in Foderance, and Thomas Fyffe, messenger. John Cowe, elder and younger.

Sir David Herring of Lethindie for Andro Kynnaird, merchant, burgess of Dundie, 1000 merks, not to harm James Kynnaird, merchant, burgess there. Perth, 11th August. Andrew Kinnaird.

Johne Ireland of Parkheid for Johne Souttar, portioner of Banchrie, 1000 merks, not to harm Johne Blair, elder in Banchrie, or Johne Blair, his son. John Soutar.

Fol. 43, a.

Stevin Currour, fiar of Logymegle, for Johne Campbell of Soutarhoussis, 1000 merks, not to harm William Alexander of Cowbyre of Kethik. John Campbell.

Johne Campbell of Souttarhoussis for David Currour of Logiemegle, £1000, and Stevin Currour, fiar thereof, 1000 merks, not to harm Lawrence, Lord Oliphant. David and Stephen Currour.

Johne Twedie of Winkstoun for Adame Twedie, apothecary, son of Adame Twedy of Dreva, and William Veitche of Kingsyde, £500 each, not to harm James Broun in Wester Hoprew.—Mr James Donnaldsoun, advocate, registers the band, written by Johne Twedie, notary in Peblis, and subscribed there, 9th August, before Thomas Veitch, messenger, Johne Frank in Peblis, James Scott in Hundilshope, Eduard Robesoun in Peblis, and Johne Twedy, notary public. Perth, 13th August. Adam Tweedy and William Veitch.

Fol. 43, b.

James Nasmyth of Inver for James Haliburtoun in Pettie, James Haliburtoun, his son, George Haliburtoun in Ketins, and Thomas Gourlay there, 500 merks each, not to harm Johne Small in Kynnochtrie, or Thomas, James, and Johne Smallis, his sons. James Haliburton and others.

Fol. 44, a.

George Harvie of Kinarmeit for Androw Hervie of Denstoun, James, George, and Patrik Herveis, his sons, and Alexander Smyth in Calsaycroft, not to harm the provost, bailies, and council of the city of Old Aberdene, or Berald Innes, George Gordoun, Adame Baverla, or any of the other inhabitants of the said city, under the pains following: the said Androw and James Harveis, either of them, in 1000 merks, and each of the others in 500 merks.—The band, registered by Mr Thomas Rollok, advocate, and written by the said Mr George Hervie, is subscribed at Aberdene, 31st July, before Alexander Hervie, brother of the said Androw, Arthour Hadden and George Hervie, servitors to the said Androw, and Hew Hervie, notary public in Aberdene. Andrew Harvie and others.

Mr Robert Ros of Cragie for Peter Oliphant of Turingis, 2000 merks, not to harm Gilbert Gray in North Banderrane, Patrik Gray, his son, or William Broun.—Mr William Oliphant, advocate, registers the band, written by Robert Kirkwode, writer, and subscribed at Perth, 14th August, before the said writer hereof, Thomas Oliphant, brother of the said Peter, and James Tyrie, burgess of Perth. Perth, 14th August. Peter Oliphant.

Fol. 44, b

Perth, 16th August. Andrew Mauld. Alexander Petrie and others.

William Rollok of Balbegie for Androw Mauld of Gouldie, not to harm David Kynnaird of Carnegy, under the pains in the King's letters. Acta Cant. 1591–1616.

Androw Mauld of Gouldie for Alexander Petrie in Scryne, Alexander Broun there, and Androw Robertsoun at Cromymylne, tenants to the said Androw, 500 merks each, to the effect foresaid.—Mr Thomas Rollok, advocate, registers the band, written by Thomas Robertsoun, servitor to William Thomesoun, procurator in Dundie, and subscribed there, 16th August, before the said William, Thomas Robertsoun, and Androw Dick, his servant. Fol. 45, a.

Sir Walter Lindsay and others.

Colene Campbell of Lundy for Sir Walter Lindsay of Balgay, 1000 merks, for David Lindsay, his son, Margaret Lindsay, his daughter, and Adame Meinzeis, her spouse, each of them in £500, and for David Simsone in Balgayis, 300 merks, not to harm Johne Jonkene in Corstoun of Aberlemno, Johne Bowman in Wodwray, Johne Kid there, or Johne Wobster there, conform to the King's letters dated at Striviling 26th July 1604.—The band registered by Archibald Boyd, advocate, and written by Johne Lindsay, notary, and subscribed at Lundy, 15th August, before Gabriell Guthrie in Hiltoun, William Stewart, servitor to the said David Lindsay, James Roy, and the said writer hereof. Fol. 45, b

Perth, 19th August. James Souttar.

Johne Souttar, portioner of Wester Banchrie, for James Souttar, his brother, not to harm Johne Blair in Banchrie, elder, or Johne Blair, younger, his son, under the pain in the King's letters.

Perth, 20th August. Laurence and Patrick Oliphant.

Johne Oliphant of Heuchfeild for Lawrence Oliphant, portioner of Over Turing, and Patrik Oliphant [? of Keny], £500 each, not to harm Gilbert Gray in North Banderrane, Patrik Gray, his son, or William Broun.—The band, registered by Mr William Oliphant, advocate, and written by Robert Kirkwode, writer, is subscribed at Perth, 20th August, before the said writer hereof, Thomas Gaw, notary in Perth, James Tyrie, his servitor, and Mr Androw Aytoun, servitor to Mr William Oliphant, advocate.

John Oliphant.

Patrik Oliphant of Keny for Johne Oliphant of Heuchfeild, his brother, £500, to the effect foresaid.—Mr William Oliphant, advocate, registers the band, written as above, and subscribed at Forfar, 20th August, before Mr Androw Aytoun, servitor to said advocate, James Traill, son of Johne Traill, clerk of Forfar, Patrik Watt in Forfar, and George Auld there,—Robert Kirkwode subscribing for Patrik Oliphant. Fol. 46, a.

Perth, 21st August. James MacMath.

Adame Meinzeis of Boltoquhan for James M^{c}Math, son and heir of the late Johne M^{c}Math of Castelgilmour, to pay to Johne Weir the sum of 40s. for each poundland of the five poundland of Ryhill, for his part of the taxation of 200,000 merks granted to his Majesty in December 1597, and also to Robert, Lord Crychtoun of Sanquhar, sheriff principal of Drumfreis, such other taxations as he is charged for, in case it be found that he ought to do the same.

Perth, 22nd August. William Ramsay and Neil Thane.

Johne Andersoun of Newtyle for William Ramsay and Neill Thane in Ochtertyre, 400 merks each, not to harm David, Earl of Craufurd, Alexander Blair of Bathayok, William Blair of Bagillo, Androw Moncur of

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that Ilk, William Foullartoun of Ardo, or Patrik Moncur of Chapeltoun,—said William Ramsay, and George Thane, son of the said Neill, becoming sureties in relief.

Robert Cathcart of Drumjowane for Alexander Craufurd of Kers, 2000 merks, not to harm Robert Fairlie of that Ilk.—Mr Oliver Colt, advocate, registers the band, written by George Angus, bailie clerk of Kyle Stewart, and subscribed at Air, 17th August, before Androw Agnew of Lochaw, sheriff of Wigtoun, Alexander Agnew, Thomas Agnew, his brother, and the said writer hereof. lexander Crawford.

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Robert Robertsoun of Strowane, as principal, and Johne Stewart of Fos, as surety, 500 merks, not to harm Johne Moggund in . Perth, 23rd August. Robertson of Struan.

James Lyoun of Easter Ogill for James Lewcharis in Markinch, 400 merks, not to harm Sir Walter Lindsay of Balgayis.—Mr Oliver Colt, advocate, registers the band, written by George Wrycht, notary, and subscribed at Brechin, 27th August, before James Norie, citizen of Brechin, William Lindsay, citizen there, David Thomesoun in Halch of Brechin, Robert Symmer, and Mr Thomas Ramsay, notary,—Wrycht subscribing for the surety and the principal. Perth, 28th August. James Leuchars.

Sir James Skrymgeour of Dudope for James Fentoun of Ogill, and James Fentoun, his son, either in £1000, and for Johne and George Fentones, his brothers, and Robert Fentoun, also his son, Thomas Fentoun in Reidheuch, and Thomas Fentoun, his son, 500 merks each, not to harm Johne Kynninmonth, burgess of Forfar.—Johne Haliday, advocate,

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registers the band, written by Johne Fentoun, notary, and subscribed at Dudope, 25th August, before Johne Muriesoun, burgess of Dundie, Androw Aliesoun there, Androw Moncur of Balmaw, Gilbert Scrymgeour, brother of the Goodman of Kirktoun. Perth, 29th August. James Fenton and others.

Allane Cathcart of Watterheid for William Dumbar, elder of Enterkyne, 2000 merks, and William Dumbar, younger of Enterkyne, £1000, not to harm Johne Dalrumple of Stair, James Dalrumple, his brother, William Dalrumple of Pennyfodyeoch-mylne, William and George Dalrumples, his sons.—Mr Oliver Colt, advocate, registers the band,

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written by Hew Dumbar, son of the said William Dunbar, elder, and subscribed at Enterkin, 27th August, before George Dumbar, brother of the said William, elder, David and Hew Dumbarris, his sons. William Dunbar, elder and younger.

David Dumbar of Daldork for Gawin, Archibald, and Robert Dumbaris, sons of William Dumbar, elder of Enterkin, £500 each, to the effect foresaid.—The band, registered and dated as above, is witnessed by Archibald Dumbar and George Dumbar, brothers of the Laird of Enterkin, and William Dumbar, and Hew Dumbar, writer hereof, his sons. Gavin, Archibald, and Robert Dunbar.

William Dumbar, elder of Enterkin, for Allane Cathcairt of Watterheid, £1000, also to the effect foresaid. The band, registered and dated as

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above, is witnessed by George Dumbar, brother of the surety, and David and Hew, his sons. Allan Cathcart.

William Dumbar, younger of Enterkin, for David, Hew, and Margaret, his brothers and sister, £500 each, also to the effect foresaid.—Colt David, Hew, and Margaret Dunbar.

registers the band, written by Hew Dumbar, and subscribed as above before Allane Cathcart of Watterheid, Archibald and Robert Dumbarris, " my brether," and George Dumbar, " my uncle." Acta Caut. 1591-1616.

Perth, 30th August. John Jonkene and others.

Alexander Ochterlony of Dunsyde for Johne Jonkene in Corstoun of Aberlemno, Johne Bowman in Wolwray, Johne Kid there, and Johne Wobster there, 400 merks each, not to harm Adame Meinzeis of Boltoquhan, Margaret Lindsay, his spouse, David Lindsay, son and apparent heir of Sir Walter Lindsay of Balgay, or David Simsone in Balgay. Fol. 49, a.

Perth, 31st August. James Oliphant.

Lowrence Oliphant of Condie for James Oliphant, son of the late Peter Oliphant of Turingis, 500 merks, not to harm Patrik Crychtoun, servitor to the Lady Ruthvenis.

Perth, 1st September. John Ogilvy and his son.

William Murray of Drumfin for Johne Ogilvy, bailie of Perth, 1000 merks, and William Ogilvy, his son, 500 merks, not to harm Adame Hammiltoun, one of the ordinary officers of the said burgh.

Perth, 3rd September. Peter Greig and John Craig.

Henry Philp, burgess of Cowpar, for Peter Greg in Seresmylne, 500 merks, and Johne Craig in Seres, 300 merks, not to harm Johne Kynnynmonth of Pitscottie, or Ewffame Mortoun, his spouse. Fol. 49, b.

Perth, 4th September. Earl of Glencairn.

James, Earl of Glencarne, having received from David, Lord of Scone, comptroller, a warrant, directed by the Earl of Ergyll to the keepers of the house of Dowart, pertaining to Hector M^cClane of Dowart, to deliver it to the said Comptroller or any other in his name, and having also received from the said Lord his own warrant to the same effect, obliges himself to make the said house furthcoming to his Majesty or Council when required, or else to enter Hector before them to underlie such order as shall be given to him for his payment of such duty as shall be agreed upon. He also obliges himself to pay to Lord Scone upon 29th August 5000 merks, and 2500 merks at Martinmas next, in part payment of the bygone duties of the lands of Corry, Arrois, M^cMull, and Morverne, due by M^cClane, conform to a tack set by the King and Council to him,—for which cause Lord Scone shall give his warrant to relax M^cClane from the horn and shall be answerable that his escheat shall not be disponed by himself. M^cClane shall also pay to Lord Scone at Martinmas 1605 other £5000 in part payment of his bygone maills and duties, and for the rest of the duties due by him he shall come in his Majesty's will. In case of non-payment of the 2500 merks at Martinmas next or of the said £5000 at Martinmas 1605, Hector shall lose the said sum of 5000 merks to be delivered by the Earl of Glencairne upon the said 29th and be reponed to the state in which he is at present.—Mr Oliver Colt, advocate, registers the acquittance, written by Walter Dog, notary, and subscribed at the Castle of Doun, 26th August, before Robert Hepburne of Merkle, Mr Johne Betoun, son of the Laird of Creich, and the said writer hereof. Fol. 50, a.

David Kininmonth and others.

Thomas Abercrumby of Murthlie for David Kynynmonth of that Ilk, £1000, William Kynynmonth, his father-brother, 500 merks, and William Craw, servitor to the said David, 300 merks, not to harm Johne Kynnynmonth in Pitscottie, or Eufame Mortoun, his spouse. Fol. 50, b.

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Thomas Crambie, burgess of Perth, for Androw Horsburgh and William Keir, burgesses of Pittinweme, either of them in 500 merks, not to harm Samuell Blaikburne, merchant, burgess of Edinburgh. Perth, 6th September. Horsburgh and Keir.

Mr Androw Patersoun of Hiltarvet for Robert Donnaldsoun, flesher, David Arth, saddler, Johne Welandis, "lorymer," James Smyth, smith, and Johne Pitcarne, baxter, all burgesses of Cowper in Fyffe, 500 merks each, not to harm Johne Dais, burgess there. The band, registered by Mr William Oliphant, advocate, and written by Patrik Mowse, notary, is subscribed at Cowper, 7th September, before Johne Patersoun, sheriff clerk of Fyffe, David Patersoun, notary, his brother, Johne Lindsay, brother of Sir David Lindsay of Month, Robert Ramsay, brother of David Ramsay of Brakmonth, and the said writer hereof. Perth, 8th September. Robert Donaldson and others.

Fol. 51, a.

Johne Pitcarne, baxter, burgess of Cowper, for David Hadderwick, baxter there, 500 merks, not to harm Johne Dais, burgess there. David Hadderwick.

Johne Patersoun, sheriff clerk of Fyffe, for David Ramsay of Pittachope, 1000 merks, Alexander Robertsoun in New Grange and Henry Mitchell in Balgow, 500 merks each, not to harm George Stirk of Bandene.—Mr William Oliphant, advocate, registers the band, written by William Harbertsoun, servitor to the said Johne, and subscribed at Cowpar, 7th August, before Alexander Luklaw, notary, David Patersoun, David Jamesoun, and said writer hereof. David Ramsay and others.

Fol. 51, b.

David Lindsay, fiar of Edzell, for Patrik Levingstoun, brother of Johne Levingstoun of Donypace, 1000 merks, not to harm James Downy in Lewchland.—Mr Oliver Colt, advocate, registers the band, written by Johne Nory, notary in Brechin, and subscribed at Edzell, 6th September, before Alexander Stratoun of that Ilk, said writer hereof, Mr Johne and Johne Lindsayis, servitors to Sir David Lindsay of Edzell. Patrick Livingstone.

David Boiswell of Mylnedame, as principal, and Robert Quhyte, burgess of Kirkaldie, as surety for him, and for Margaret Schaw, his spouse, 1000 merks, not to harm David Ousteane in Nethertoun of Dumfermling, or Marjorie Lugtoun, his spouse. Crombie, 10th Sept. David Boswell and his spouse.

Fol. 52, a.

Sir George Douglas of Reidhous for George Dowglas, his son, Thomas Quhyte in Craignethie, William Dowglas in Aberlady, and Robert Howdane, his servants, not to harm Mr James Borthuik of Lochhill, James Borthuik, his son, or William Hervie, his son-in-law, under the pains in the letters raised to that effect.—Mr Robert Cokburne, advocate, registers the band, written by Hary Wilsoun, servitor to the Lord Secretary, and subscribed at Prestoun, 2nd September, before the said advocate, Mr Walter Bellendene, Robert Lawsoun, servitors to my Lord Ormestoun, the said writer hereof, and George Hendersoun. George Douglas and others.

Johne Tyrie, tutor of Drumkilbo, for William Tyrie, elder of Busbie, £1000, not to harm Johne Watsoun, son of the late Watsoun, burgess of Perth. Perth, 13th Sept. William Tyrie.

Fol. 52, b.

Mr Robert Irwing of Moncoffer for Johne Irwing of Ardtanfurd and Johne Irwing of Haltoun, £1000 each, not to harm Mr Alexander Irwing, advocate in Aberdene, Elspet Irwing, his daughter, or her curators, Perth, 17th Sept. John and John Irvine.

if she has any.—Mr Oliver Colt, advocate, registers the band, written by Mr Robert Paip, advocate, and subscribed at Aberdene and Fornet, 14th September, before Mr Richard Irwing of Hiltoun, burgess of Aberdene, said writer hereof, George Irwing, servitor to the Laird of Ardtanford, Gilbert Thomesoun, notary public, Duncane Forbes of Bannagask, James Tod (? Wode), his servitor, and Robert Allardes, servitor to the said Mr Robert Irwing. Acta Caut. 1591–1616.

Laurence Grahame and others.

Johne Drummond of Kirkhill for Lawrence Grhame, tutor of Callendar, 1000 merks, and for Johne Drummond, son and apparent heir of said surety, and said Lawrence for the Laird of Kirkhill, £500 each, not to harm Johne Fute in Ochterardour or David Hiltoun there. Fol. 53, a.

Perth, 21st Sept. John Douglas.

George Wischart, younger of Drymmie, for Johne Dowglas of Tulliquhillie, not to slay salmon fish in the waters of Die and Don or "granes" thereof in forbidden time, under the pain of 1000 merks to every earl and lord and 500 merks to every baron or gentleman, conform to the general Acts of Council and letters raised thereanent by the provost, bailies, and council of Aberdene.—Mr Robert Young registers the band, subscribed at Brechin, 17th September, before William Ramsay, clerk of Brechin, Johne Schewan, his servitor, writer hereof, Thomas Cowy, merchant there, William Merschell, servitor to the said Johne Dowglas, and James Wischert, notary.

Perth, 22nd Sept. William Ross.

Robert Chaip, burgess of Perth, for William Ros at the Charterhousegate, 1000 merks, not to harm Robert Stewart of Haltoun of Loncardy. Fol. 53, b.

Perth, 24th Sept. John Tweedy and his son.

James Twedy, apparent of Dreva, for Johne Twedy, portioner of Innerlethen, £500, and for Adame Twedie, his son and apparent heir, 500 merks, not to harm James Stewart of Schillinglaw, conform to the King's letters dated at Perth penult day of August last. The band, registered by Mr Robert Young, and written by Johne Maxwell, notary public, is subscribed at the Hilhous of Stobo, 19th September, before William and Walter Twedyis, sons of the said James Twedy, Abyge Crychtoun, and said writer hereof,—the last subscribing for Johne Twedy. Fol. 54, a.

David Lyon and his son.

James Lyoun, fiar of Easter Ogill, for David Lyoun of Bagillo, and David Lyoun, his son and apparent heir, either of them in £1000, not to harm Patrik Robertsoun, chirurgeon, burgess of Perth.

Perth, 25th Sept. Burnet of Leys.

George Gordoun of Inverie for Alexander Burnett of Leyis, 500 merks, not to slay any salmon fish in forbidden time upon the waters of Dee and Don with coble, net, spear, wand, pock, creel, "herry watter," or any other kind of engine, conform to the Act of Parliament.—Mr Robert Young registers the band, written by Mr Robert Davidsoun, notary public in Aberdene, and subscribed at Pittinkerie, 20th September, before Mr Robert Reid, minister at Banchorie, George Ramsay, servitor to the said Alexander, Johne Burnet, apparent of Barnis, and the said writer hereof. Fol. 54, b.

Patrick Blair.

James Skrymgeour of the Myris for Patrik Blair in Balbegie, £500, not to harm Alexander Gaw, portioner of Balbegie.

Perth, 26th Sept.

Archibald Irwing of Quhitstone for William Strauchane of Tullichroskie, his "gudsone," 500 merks, not to slay any salmon fish in the forbidden Fol. 55, a.

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time upon the waters of Dee and Don, or branches thereof, with any kind of engine, conform to the letters raised against him at the instance of the provost and bailies of Aberdene.—Mr Robert Young registers the band, written by Johne Lindsay, servitor to the said principal, and subscribed at Murealhous, 20th September, before Mr James Strauchane, Mr Thomas Burnett, minister at Strauchane, James Irwing, and the said writer hereof. William Strachan.

Arthour, Master of Forbes, for James Gareauch of Kinstair and Alexander Forbes in Braidhalch, 500 merks each, to the effect foresaid.—Mr Robert Young registers the band, subscribed at Alford, 20th September, before Alexander Calder of Aslone, Robert Forbes, William Forbes, writer hereof, and Mr Arthour Andersoun, notary public. James Garioch and Alexander Forbes.

Fol. 55, b.

Johne Cunynghame of Ros and William Glen of Bar, 5000 merks each, for James, Earl of Glencairne, not to harm Mareoun Cunynghame, Lady Newwark, elder.—Mr Thomas Wilsoun, advocate, registers the band, written by Johne Mathie, servitor to the said Earl, and subscribed at Kilmarrannok and the Bar, 23rd and 24th September, before Robert Campbell, Johne Lindsay, and James Semple. Earl of Glencairn.

Fol. 56, a.

Johne Irwing of Kincowsie for Alexander Irwing of Drum, 500 merks, not to slay any salmon fish in forbidden time on the Dee or Don or branches thereof, with any kind of craft or engine.—Mr Thomas Wilsoun, advocate, registers the band, written by Mr Gilbert Ros, notary public, burgess of Aberdene, and subscribed at Drum, 20th September, before Alexander Maissone, Michaell Fiddes, and Johne Ros, servitors to the Laird of Drum, and the said writer hereof. Irvine of Drum.

Fol. 56, b.

Thomas Gordoun of Grandoun for Arthour Gairdin of Banchorie, 500 merks, to the effect foresaid.—Wilsoun registers the band, written by Walter Robertsoun, clerk depute of Aberdene, and subscribed at Aberdene, 22nd September, before David Meinzeis, one of the bailies of Aberdene, Mr Thomas Mollysoun, common clerk thereof, Patrik Gordoun of Gordonesmylne, Johne Chalmer, messenger, and the said writer hereof. Arthur Gairden.

George Calder of Toreone for James Gordoun of Knokespik, also to the effect foresaid.—Mr Johne Nicolsoun, advocate, registers the band, written by the said principal and subscribed at Knok, 15th September, before Johne Gordoun, son of William Gordoun of Tilliangus, Allaster Ferrers in Tullichie, son of Johne Ferrere there, and the said Johne Ferrere. James Gordon.

Arthour Gairdin of Banchorie for Thomas Gordoun of Grandoun and Patrik Gordoun of Gordounsmylne, 500 merks, also to the effect foresaid. Thomas and Patrick Gordon.

Fol. 57, a.

—Mr Thomas Wilsoun, advocate, registers the band, written by Walter Robertsoun, clerk depute of Aberdene, and subscribed at Aberdene, 22nd September, before David Meinzeis, bailie of Aberdene, Mr Thomas Mollisoun, Johne Chalmer, messenger in Old Aberdene, and the said writer hereof.

Androw Moncur of Balma for David Moncur in Pittindreich, 500 merks, not to harm James Lindsay of Dow. Perth, 27th Sept. David Moncur.

Andrew Reid and others.

Johne Wallace, fiar of Dundonnald, for Androw Reid in Barrassie, Johne M^cKerrell there, Hew Galt there, William Craufurd there, Robert Blair there, Robert Blaikwode, burgess of Air, David Blaikwode, his son, Alexander Howsoun in Barrassie, William Howsoun there, William Lymburner there, William Young there, Thomas Patoun there, Johne Stevin there, Robert Broun there, Thomas Stewart there, Androw Thomesoun there, Johne Lamont there, Hew Howsoun there, and Hew Foultoun there, 500 merks each, not to harm William M^cKerrell of Hilhous or trouble him in the pasturing of fifteen "sowmes girs" alleged by him to be pertinent of his fortyshilling land of Hilhous upon the Mure of Barassie.—The band, registered by Mr Robert Young and written by Donnald Cunynghame, is subscribed at Dundonnald, 21st September, before Thomas Wallace of Guildielandis, Hew Wallace of Bogsyd, and Eduard Lauchlane there. Acta Cant. 1591–1616. Fol. 57, b.

Robert Montgomery and others.

Gawin Ralstoun of that Ilk, younger, for Robert Montgomerie of Skelmourlie, £1000, and for Patrik Crawfurd, his servant, and William Kelso of Kelsoland, £500 each, to answer before the Council upon 1st November next to a complaint against them by Paull Hammiltoun, captain of Brathik, Johne Hammiltoun in Glenrossie, James Hammiltoun, son of the late Mr Gawin Hammiltoun, captain of Brathik, Hammiltoun, and Litlejohne, one of the cubiculars and keepers of James, Earl of Arrane.—The band, registered by Mr Robert Young, and written by Robert Urie, notary, burgess of Paislay, is subscribed at Paislay, September, before Mr William Cok, minister at Lairgis, George Fraser in Lairgis, Gawin Stewart, burgess of Paislay, William Montgomerie, bailie of Cunynghame, and the said writer hereof. Fol. 58, a

Robert Carnegy.

William Troupe of Balnacraig for Robert Carnegie of Wester Kincragie (Kincairdin), 500 merks, not to slay any salmon fish in forbidden time on the Die or Don, conform to the charge at the instance of the provost and bailies of Aberdene.—The band, registered by Mr Oliver Colt, advocate, and written by Alexander Middletoun, notary public, is subscribed at Kirktoun of Boyne, 24th September, before Johne Stewart of Balfour, Johne Carnegie, brother of the said Robert, and said writer hereof. Fol. 58, b.

John Stewart.

William Troupe of Balnacraig for Johnne Stewart of Balfour, 500 merks, to the effect foresaid.—The band, registered and written as above, is subscribed at the Mylnetoun of Auchintoill (Auchtertull), 25th September, before Charlis Ros of Tullisnaucht, Robert Carnegy of Wester Kincairdin, Johne Carnegy, his brother, and said writer hereof. Fol. 59, a.

William Troup.

Johne Stewart of Balfour for William Troupe of Balnacraig, also to the effect foresaid.—The band, registered, written, and dated as above, is witnessed by Robert Carnegie, Johne Carnegy, Robert Boyd, vicar of Oboyne, and the said writer hereof.

James Stewart.

James Arbuthnot, fiar of Lentusche, for James Stewart of Innerquhat, also to the effect foresaid.—Mr Oliver Colt, advocate, registers the band, written by Walter Thomesoun, notary public, and subscribed at Fol. 59, b.

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Lentusche, 18th September, before Mr Walter Abercrumby, parson of Raine, Patrik Cruikschank in Lentusche, James Cruikshank in Kirktoun of Raine, and said writer hereof,—the last subscribing for the principal.

James Kinnaird.

Robert Keith of Thornehill for James Kynnaird, portioner of Middletoun, 500 merks, not to harm Mr Alexander Dowglas, minister at Elgyne.

Fol. 60, a.

Donald Farquharson.

Robert Ferquharsoun in Dalroddie and Alexander Watsoun in Casteltoun in the Bra of Mar for Donnald Ferquharsoun, 500 merks, not to slay any salmon fish on the Die or Don in prohibited time.

John Strachan.

Mr Johne Strauchane, parson of Kincairdin of Neill, for Johne Strauchane, tutor of Thornetoun, 500 merks, to the effect foresaid.

William Hay.

Hew Falconer of Innerlochty for William Hay of Mayne, 2000 merks, not to harm Mr Alexander Dowglas, minister at Elgyne, conform to the letters raised against him of date at Perth 3rd July last.—The band, registered by Mr James Donnaldsoun, advocate, and written by Androw Innes, servitor to George Annand, notary public, burgess of Elgyne, is subscribed there, 18th September, before Thomas Hay, clerk, burgess of Elgyne, said Annand, Walter Hay there, said writer hereof, and Mr Alexander Rausoun, parson of Spynie.

Fol. 60, b.

Robert Keith.

James Kynnaird, portioner of Middletoun, for Robert Keith in Thornehill, 500 merks, to the effect foresaid.—Donnaldsoun registers the band, written by James Kynnaird, and subscribed at Quhitwra, 24th September, before Alexander Innes in Quhitwra, Robert Innes, son of Johne Innes in Langmornge, James Done, and P. Algeo.

Fol. 61, a.

Alexander Innes.

Johne Innes, burgess of Elgyne, in Langmorne, for Alexander Innes in Quhytwra, 500 merks, also to the effect foresaid.—Donnaldsoun registers the band, written by Robert Innes, servitor to James Tarres, notary public, and subscribed at Elgyne, 24th September, before James Keyth, servitor to the Earl of Murray, Robert Keith in Thornehill, George Annand, notary, burgess of Elgyne, and the said writer hereof.

Fol. 61, b.

Perth, 2nd October. Duncan Bain.

Rorie Dingwall of Kildun for Duncane Bayne of Tulloch, £2000, not to harm Johne Bayne of Slego, his brother.—Mr Thomas Wilsoun, advocate, registers the band, subscribed at Dingwall, 22nd September, before Alexander Bane, apparent of Tulloch, Alexander Urquhart in Bellicherrie, and Alexander Nicolsoun, notary public, writer hereof.

Fol. 62, a.

Perth, 5th October. Sir Walter Lindsay and others.

Johne Lindsay of Mercus for Sir Walter Lindsay of Balgayis, 1000 merks, *et vice versa*, 500 merks, and the said Johne for Johne, Androw, and David Lindsayis, his sons, 400 merks each, not to harm James Lewcharis in Mercus, conform to the letters of lawburrows raised against them of date at Perth 28th August last.—The band, registered by Mr Isaac Broun, and written by Johne Lindsay, servitor to the said Sir Walter, and notary public, is subscribed at Balgayis, 4th October, before David Lindsay, son of the said Sir Walter, William Stewart, his servitor, Gabriell Guthrie, brother of Alexander Guthrie of that Ilk, James Roy, and the said writer hereof.

Mr Alexander Douglas.

James Dowglas of Barthslathill for Mr Alexander Dowglas, minister at Elgyne, £500, not to harm James Kynnaird in Quhytwray, Alexander

Innes there, Robert Keith in Thornehill, or Johnne Innes in Langmorgone.—The band, registered by Mr Isaac Broun, advocate, and written by William Leslie, student in Elgyne, is subscribed there, 2nd October, before Mr Alexander Rawsoun, parson of Spynie, Robert Leslie, minister at Birney, William Leslie of Ardcainye, Mr Gawne Dowglas, burgess of Elgyne, and said writer hereof. Acta Caut. 1591–1616. Fol. 62, b.

Linlithgow, 15th October. George Sutherland.

William Mylne, burgess of Elgyne, for George Sutherland, burgess there, 500 merks, not to harm James, Earl of Murray, or Archibald, Earl of Ergyle, Johne, Earl of Mar, Johne, Earl of Mortoun, Symone, Lord Fraser of Lovatt, Hary, Commendator of St Colmbisinch, Sir Robert Crychtoun of Cluny, James Lindsay of Dowhill, and Mr James Stewart, parson of Sawling, curators to the Earl of Murray, conform to the King's letters dated at Edinburgh 3rd June 1603.—The band, registered by Mr Isaac Broun, advocate, and written by Alexander Mylne, writer in Elgyne, is subscribed there, 3rd October, before Johne Sutherland, burgess there, Alexander Sutherland, burgess there, Johne Sutherland, student in Elgyne, and the said writer hereof.

William Forbes.

Charlis Chalmer, portioner of Wester Fintray, for William Forbes of Corsinday, 500 merks, not to slay salmon fish on the Die and Don in forbidden time, conform to the charge given to him by the provost and bailies of Aberdeen.—The band, registered by Mr Thomas Rollok, advocate, is subscribed at Corsindae, 1st October, before Johne Forbes, brother of the said principal, Patrik Forbes in Carneday, Johne Chusny, notary public, and Robert Mill, writer. Fol. 63, a.

Patrick Moncur.

David Broun, portioner of the Maynis of Crewchie, for Patrik Moncur of Chapeltoun, £500, not to harm Mr George Haliburtoun of Kelour, Margaret Erskene, Lady Ruthvenis, Thomas Halden in Easter Kelour, Johne Andersoun in Auchtertyre, Henry Andersoun there, George Johnestoun there, George Doun there, William Martene there, or Lawrence Andersoun there.—Mr Oliver Colt, advocate, registers the band, written by Walter Ramsay, notary, and subscribed at Cowpar, 3rd August, before Robert Jak at the Mill of Ardlair, Leonard Sanderis at Mylnehorne, David Syme in Bamakorne, Walter Ramsay and Ronnald Broun, notaries. Fol. 63, b.

Edinburgh, 16th October. William Sutherland.

Alexander Murray of Cowbairdie for William Sutherland of Duffus, 2000 merks, not to harm Johne Campbell of Calder, or Johne Campbell of Moy, commissary of Inuernes, conform to the King's letters dated at Edinburgh 28th June 1600.—The band, registered by Mr Johne Scharpe, advocate, and written by Androw Innes, servitor to George Annand, notary public, burgess of Elgyne, is subscribed at Culbardie and Duffus, 8th and 10th October, before George Sutherland, burgess of Elgyne, William Innes, servitor to the Laird of Duffus, said George Annand, and said writer hereof. Fol. 64, a.

William Cumming and others.

William Sutherland of Duffus for William Cumyng in Greischip, William Measoun there, and William Carroch in Carroch's Croft, 500 merks each, to the effect foresaid.—The band, registered and written as above, is subscribed at Pittindreich, 8th October, before William Innes,

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Johnne Law, Adame Elice, servitors to the Laird of Duffus, George Annand, notary, and said writer hereof.

Fol. 64. b.

Thomas Fawsyd of Newtoun, Johne Wilsoun, portioner of Burrowfeild, and Androw Stark, merchant, burgess of Glasgow, for Robert Rowatt, merchant, burgess there, Johne Rowatt, his son, and Mr Hew and David Gibsones, £1000 each, not to harm Henry Gibson, son and heir of the late Archibald Gibsoun, or Susanna Hay, his mother.—Mr Johne Scharpe, advocate, registers the band, subscribed at Glasgow, 19th October, before Mr Archibald Rowatt, Johne Hall, chirurgeon, Johne M°Ildownie and James Cowlandis, burgesses of Glasgow. Edinburgh. 20th October. Robert Rowat and others.

Fol. 65, a.

Mr James Stewart, commissary of Dunkeld, for Hary Greig of the Hauch of Fongorth, £500, not to harm James Nasmyth of Inver.—Mr Oliver Colt, advocate, registers the band, written by Johne Schaw, notary, and subscribed at Perth, 12th October, before Patrik Drummond and William Manie, writers in Perth, Thomas Greig, cordiner, burgess there, said writer hereof, and Johne Balvaird. Harry Greig.

George Leslie of Hilbray for Johne Leslie of Petcaple, not to slay salmon, fish on the Die or Don in forbidden time with any kind of engine, under pain of horning, conform to the charge given to him at the instance of the provost and bailies of Aberdene, of date 1st September last.—The band, registered by Mr Alexander Peblis, advocate, and written by Mr Androw (? Walter) Abercrumby, minister at Ranye, is subscribed before Mr Johne Cheyne of Petfichie, George Leslie, apparent of Kincragy, and said writer hereof. Linlithgow, 22nd October. John Leslie.

Fol. 65, b.

Fol. 66, a.

James Keyth of Kinnadie for the bailies, council, and community of the burgh of Kintore, to the effect foresaid, under the pains contained in the King's letters,—Alexander Cheyne and Johne Andersoun, bailies of Kintore, becoming sureties in relief.—Peblis registers the band, written by Mr Alexander Davidsoun, notary public and town scribe of Kintore, and subscribed at Kintore, 15th October, by the said bailies before Mr Archibald Rait, minister at Kintore, Johne Leslie, son of Normond Leslie, burgess of Abirdene, Johne Johnnstoun in Kintyre, and the said writer hereof. Bailies and Council of Kintore.

Fol. 66, b.

Johnne Leslie of Chapeltoun for Mr Johne Cheyne of Pitfichie, also to the effect foresaid, under pain of horning.—Peblis registers the band, written by Mr William Cheyne, and subscribed before James Lumsdaill of Newbiging, James Cheyne, son of the said Mr Johne, James Gray, servant to the said principal, and the said writer hereof. Mr John Cheyne.

Fol. 67, a.

Johne Leith of Harthill for Johne Leith of Quhithauch, 500 merks, also to the effect foresaid.—Peblis registers the band, written by Patrik Leyth, servitor to Mr Johnne Leyth, advocate in Abirdene, and subscribed at Rayne, 28th September, before Mr George and William Leithis, sons of the surety, the said writer hereof, and the said advocate. Leith of Whithauch.

Fol. 67, b.

Johnne Leith of Quhithauch for Johnne Leith of Harthill, also to the effect foresaid.—The band registered, &c., as above. Leith of Harthill.

Alexander Blakhall of that Ilk for Patrik Leslie of Badfuraw, also to Patrick Leslie.

the effect foresaid.—Peblis registers the band, written by Johnne M^cKiesoun, notary public, and subscribed at Innertorie, 16th October, before James Keyth of Kynnady, Johne Johnestoun, George M^cKy, and William Robertsoun, burgesses of Innertorie, George Barclay and said Johne Makysone, notaries public. Acta Cant. 1591-1616. Fol. 68, a.

John Soote in Auchterarder.

Harie Drummond, fiar of Freirtoun, for Johnne Fute (? Sute) in Ochterardour, £500, not to harm Johne Drummond in Kirkhill, elder, Johnne Drummond, younger, Laurence Grahame, tutor of Callender, David, Robert, and Alexander Grahames, his brothers.—The band, registered by Mr Robert Young, and written by Johne Schaw, notary in Perth, is subscribed at Perth, 16th October, before James Drummond of Lenbillis, Patrik Drummond, his son, William Many, writer, and the said Johne Schaw,—the last subscribing for Johne Sute. Fol. 68, b.

Bailies and Council of Inverury.

Patrik Leslie of Kincragy and Alexander Blakhall of that Ilk for Normand Leslie and Alexander M^cKiesoun, bailies of Innertorie (Innertore), and for the remanent council and community of the said burgh, 500 merks, not to slay any salmon fish in forbidden time on the Die or Don, conform to the charge given to them by the provost and bailies of the burgh of Aberdene.—The band, registered by Peblis, and written by Johnne M^cKiesone, notary public, common clerk of Innertorie, is subscribed there, 16th October, before James Keyth of Kynnadie, Johne Johnnstoun, burgess of Innertore, William Robertsone, burgess there, George M^cKie, burgess there, George Barclay, and the said writer hereof. Fol. 69, a.

Linlithgow, 23rd October. Thomas and John Fraser.

Alexander Fraser, fiar of Durris, for Thomas Fraser of Durris, his father, and Johne Fraser, burgess of Aberdene, to the effect foresaid, under the pains in the charges given in against them.—Mr Oliver Colt, advocate, registers the band, written by Mr George Fraser, "my brother," and subscribed at Durris, 13th October, before William Irwing of Beltie, Thomas Burnet of Cluny, James Burnet in Cragour, said writer hereof, Mr Robert Reid, minister at Banchorie. Fol. 69, b

Mr Patrick Cheyne.

Johne Knokis of that Ilk for Mr Patrik Cheyne of the Mylnetoun of Murthill, 500 merks, also to the effect foresaid.—Mr Robert Young registers the band, written by Mr Robert Paip, advocate, and subscribed at Abirdene, 11th October, before said writer hereof, William Paip, his son, Duncane Galloway, baxter burgess in Aberdene, George Clerk, notary public, and Alexander Irwing, son of Mr Richard Irwing.

Adam Fraser and William Gordon.

Alexander Caulder of Asloun for William Gordoun of Kynnertie and Adam Fraser of Fingyeauch, 500 merks each, also to the effect foresaid.—Mr Oliver Colt, advocate, registers the band, written by Gilbert Leslie, master of the "Inglis scule" in Aberdene, and subscribed at Abirdene, 13th October, before James and Johnne Fraseris, brothers of the said Adame, said writer hereof, and James Murray, notary public. Fol. 70, a.

Patrick Carkettle.

George Prestoun of Craigmillair for Patrik Carkettle of Over Libbertoun, 3000 merks, and for George Carkettle, his brother, George Carkettle, burgess of Haddingtoun, and Johnne Broun, brother of the Laird of Colstoun, 1000 merks each, that, on being freed furth of their present ward Fol. 70, b.

Acta Caut. 1591-1616.

in the Castle of Blaknes, they will repair to Linlithqu, and will keep ward there till 15th November next, and afterwards till relieved.

James Gordoun of Lesmurdie for Alexander Gordoun, elder of Lesmoir, £1000, and James Gordoun, apparent thereof, 1000 merks, not to harm George, Robert, and Alexander Gordonis in Scoredarge, and James Duncane, tenants of George, Marquis of Huntlie.—Mr Johnne Nicolsoun, advocate, registers the band, written by George Jope, notary public, and subscribed at Auchindore and Lesmore, 20th October, before Alexander Gordoun of Oxhill, James Gordoun (of Auchinraith), apparent of Leitchestoun, Alexander Gordoun of Kirkinburne, Mr Arthour Andirsoun, and George Jope, notaries public. Newbattle, 26th October. Alexander Gordon and his son.

Fol. 71, a.

William Leirmonth of the Hill for Archibald Leirmonth, 500 merks, to answer when required to such things as shall be laid to his charge. Haddington, 1st November. Archibald Learmonth.

William Thomesoun, elder, portioner of Casche, and Margaret Thomesoun there, as principals, and Michaell Scot, portioner of Auchtermuchtie, as surety, 500 merks each, not to harm Nicoll Dewar in Casche.—The band, registered by Mr Robert Young, and written by Hectour Arnot, notary public in Falkland, is subscribed at Auchterlie and Falkland, 4th and 5th November, before Johnne Bennet, messenger, burgess of Falkland, Johne Nicoll, notary there, Mr Alexander Hendersoun there, James Averie there, James Scot in Couper, Archibald Boyd, burgess of Falkland,—Hectour Arnot subscribing for the principals. Edinburgh, 5th November. William and Margaret Thomson.

Fol. 71, b.

Alexander Gordoun, younger at Kethokismylne, for Mr Thomas Merser, portioner of Ardoch, not to slay any salmon fish in forbidden time on the Die or Don with any kind of engine, under the pains in the Acts of Parliament, conform to the charge given to him at the instance of the provost and bailies of Abirdene.—The band, registered by Mr Isak Broun, advocate, and written by George Marser, notary public, is subscribed at Abirdene, 30th October, before Mr James Hervie in Blairis, George Merser, writer foresaid, Laurence and Robert Merseris, his brothers. Edinburgh, 7th November. Mr Thomas Merser.

Fol. 72, a.

Martene Howesoun, burgess of Abirdene, for William Irwing of Murthill, 500 merks, to the effect forsaid, conform to the charge given to him by Gilbert Guthrie, younger, messenger, of date at Perth 1st September last.—The band, registered by Mr Isak Broun, advocate, and written by James Davidsoun, notary public, is subscribed at Abirdene, 2nd October, before Mr Alexander Irwing, advocate, James Giliruff in Murthill, and Alexander Irwing in Wastoun. William Irvine.

Fol. 72, b.

James Gordoun, apparent of Lesmore, for Thomas Robertsoun at the Mill of Lesmore, 500 merks, to obey his Majesty's letters raised against him by George, Marquis of Huntlie, for troubling him in his lands of Coberoch, by pasturing his goods and building his "scheillis" upon the same, and by casting "faill and dovat" on the said lands, and also on those of Soirdarge, Newmerdrum and Garbet of Tormewt, to the said noble Lord's great skaith,—tending thereby to appropriate the said lands to his own use.—Mr Isak Broun, advocate, registers the band, written by Mr Arthour Andersoun, notary public, and subscribed at Auchnullen, 8th Haddington, 12th Nov. Thomas Robertson.

Fol. 3, a.

November, before Alexander Gordoun of Lesmore, Johne Pringle, servitor to the Laird of Lesmore, the said writer hereof, and George Jope, notary public. Acta Caut. 1591–1616.

David Hilton. Johnne Sutt in Ochterardour for David Hiltoun in Glennegas, £500, not to harm Johnne Drummond of Kirkhill, or Johnne Drummond, his son. —Mr Robert Young registers the band, written by Johne Schaw, notary in Perth, and subscribed at Perth, 30th October, before Thomas Drummond of Drummaquhens, Mr William Schaw of Pitmurthlie, William Many and Patrik Drummond, writers in Perth,—Schaw subscribing for Sute. Fol. 73, b.

Haddington, 15th Nov. George Carkettle. Alexander Seytoun, sheriff-depute of Haddingtoun, for George Carketle, merchant, burgess of Haddingtoun, 500 merks, to answer before the Council when required to a complaint made against him by James Libertoun in Nether Libertoun and Thomas Elphingstoun for his alleged wounding of the said James.

Haddington, 16th Nov. Andrew Yett and others. Johne Symentoun of that Ilk for Andro Yet at the Mill of Balfechie, Gilbert Peddie in Cowlie, William Guthrie, servitor to Sir Johne Wischart of Pittarro, Waltir Ramsay in Fuirdhoussis of Pittarro, James Rollok and George Rait in Westertoun of Pittarrow, James Gentilman in Cowlie, Johne Jolie in , William Mylne there, Johnne Jame in Balfoure, Johnne Lamb there, Johne Findlay in Wester Wittoun, Johne Ousteane there, Johne Davidsoun in Halhill, Thomas Guthrie there, George Mylne in Brauchry, Johne Jame there, William Sibbald at the Mill of Kincardin, and Johne Burne there, 200 merks each, to answer before the Council upon 29th instant to a complaint made against them by Waltir Wode of Fettircairne, touching certain points of oppression committed by them upon him. Fol. 74, a.

Mr James Fotheringham and others. Johnne Scrymgeour, younger of Dudhop, for Mr James Fothringhame, parson of Balumbie, Johne Scrymgeour of Kirktoun, and Marjorie Fothringhame, his spouse, £1000 each, not to harm Gilbert Ogilvy, son and apparent heir of Mr Johnne Ogilvy of that Ilk.

Robert Leighton and others. Robert Lichtoun of Usane binds and obliges himself in 5000 merks to enter in ward within 48 hours in the Castle of Edinburgh ; also becomes surety for Patrik Lichtoun, his brother, William Wode of Lautoun, and James M°Eane, younger, 5000 merks, to the same effect: both parties to remain there till freed by the Lords of Secret Council.

Mr Arthur Erskine and others. Mr Arthour Erskin, bailie of Monrois, obliges himself in 5000 merks to enter within 48 hours in ward in the Castle of Blaknes, and to remain there till relieved; also becomes surety for Erskene of Logy, Erskene, his brother, and Robert Keyth, to the same effect. Fol. 74, b.

Earl of Cassillis and John Cockburn. Johnne, Earl of Cassillis, and Johnne Cokburne of Clerkingtoun, bind and oblige themselves, either of them in 6000 merks, not to intromit with the teinds belonging to dame Jeane Fleming, Countess of Cassillis, set in tack to the Laird of Clerkingtoun, till it be decided to whom the same appertain. Farther, the Laird of Clerkingtoun promises to be answerable upon the conditions of this present act, in case the said Lady mell with the said teinds against the tenor of the same.

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Claud Hammiltoun of Barnis for Margaret Hammiltoun, spouse of Hew Somervaill of Drum, £1000, not to harm Patrik Pais, mason, burgess of Edinburgh. Margaret Hamilton.

Fol. 75, a.

Patrik Boyde of Pitkindie for James Scrymgeour of Fairdaill, £1000, and for William M^cKie at the Mill of Gudyn and David Moncur in Pendreich, either of them in £500, not to harm James Lindsay of Dowhill.—The band, registered by Johnne Haliday, advocate, and written by Johnne Barcane, servitor to Johne Haliday, advocate, is subscribed at Pitkindie, 9th November, before Patrik Boyd, the surety's son and apparent heir, Robert Boyd, younger, in Abirnycht, and James Warroper. James Scrymgeour and others.

Fol. 75, b.

Nicoll Ramsay of Cokpen for Mr James Borthuik of Lochhill, £1000, for James Borthuik, his son, 1000 merks, and for William Hervie, his son-in-law, £500, not to harm William Horsburgh in Bancreiff.—The band, registered by Mr Robert Cokburne, advocate, and written by Alexander Dick, notary, is subscribed at Prestoun, 22nd November, before said Dick, Robert Wallace in Prestoun, and Nicoll Yuill, servitor to Margaret Stewart, relict of Johnne Dik, merchant burgess of Edinburgh. Edinburgh, 22nd Nov. Mr James Borthwick and others.

Fol. 76, a.

Sir Johne Hammiltoun of Lettrik for Johnne, Earl of Cassillis, £10,000, not to harm dame Jeane Fleming, Countess of Cassillis, his spouse.—Robert Hammiltoun, advocate, registers the band, written by Gilbert Ros, provost of Mayboll, and subscribed at Hammiltoun, 25th November, before the said advocate, Johne Dik of Barbourstoun, Mungo Nesbitt, servitors to the said Earl, and Thomas Wilsoun, writer. Edinburgh, 25th Nov. The Earl of Cassillis.

Gilbert Robertsoun, writer, for Mr Alexander Hay of Kynnowdie, to pay to Mr Johne Keyth, parson of Duffus, £21, 6s. 8d., for his part of the taxation of 200,000 merks granted to his Majesty in December 1597, and the sum of £10, 13s. 4d., for his part of the taxation of 100,000 granted to his Majesty in February 1602, on account of the teinds of Unthank, alleged to be part of the parsonage of Duffus, in case it be found that he ought to do so. Hay of Kinowdy.

Fol. 76, b.

Robert Lichtoun, fiar of Usane, for William Wode of Latoun, Patrik Lichtoun, brother of the said Robert, and James M^cEane, younger, to repair as soon as possible to the town of Arbroth and remain there till the Lords of Secret Council declare their will towards them anent the trouble which fell out in the town of Monrois between them and Mr Arthour Erskin, with their accomplices, under the pain of 5000 merks. Haddington, 29th Nov. William Wood and others.

George Leslie of Crechie for Johnne Leslie of Wardies, 1000 merks, not to slay salmon in forbidden time on the Die or Don, conform to the charge given to him at the instance of the provost, bailies, and council of Aberdene.—The band, registered by Mr Alexander Peblis, advocate, and written by Mr Alexander Davidsoun, notary public in Kintyre, is subscribed at Inverurie, 19th November, before George Leslie, Johne Spens, servitors to the said principal, Normond Leslie in Inverurie, William Leslie, brother of the principal, and the said writer hereof. John Leslie.

F l. 77, a.

Johnne Leslie of Wardres for George Leslie of Crechie, 500 merks, to the effect foresaid.—The band registered, &c., as above. George Leslie.

Fol. 77 b.

Mr Arthur Erskine and others.

Mr Arthour Erskene, bailie of Monrois, as principal, and William Barclay, burgess there, and Alexander Douglas in Balhoussie, as sureties, and the said three for David Erskin of Logie, Robert Erskin, his brother, and Robert Keyth, younger, to repair as soon as possible to the burgh of Dundie and remain there till the Lords of Secret Council declare their will towards them anent the trouble which fell out in the burgh of Monrois between them and the Lichtonis, under the pain of 5000 merks. Acta Caut. 1591-1616.

James Kincaid, elder and younger.

George Kincaid of Mylnetoun for James Kincaid, elder of that Ilk, and James Kincaid, his son and apparent heir, 500 merks, not to slay salmon on the waters of Clyd, Lewin, Blanis, Halvin, or branches thereof.—The band, registered by Mr Umphra Blinsele, advocate, is subscribed at Kincaid, 16th November, before Edward Kincaid, younger, burgess of Edinburgh, Andro Kincaid, son of the said Laird, and David Johnnstoun in Kincaid. Fol. 78, a.

Haddington, 30th Nov. William Horsburgh.

Daniell Cokburne, burgess of Haddingtoun, for William Horsburgh of Bancreiff, £500, not to harm William Harvie, son-in-law of Mr James Borthuik of Lochhill. Fol. 78, b.

Christie and William Irving.

James Johnnstoun of Westraw for William and Cristie Irwingis, sons of William Irwing of Kirkconnell, either of them in 500 merks, to answer before the Secret Council upon 13th December next to a complaint made against them by George Irwing of Wodhous touching their alleged raising of fire and committing other acts of oppression upon him.

Haddington, 12th Dec. Walter Wood and others.

Waltir Wode of Fettircairne, as principal, and David Lindsay, fiar of Vayne, as surety, £1000, and both for David Barclay of Balmakewne, William Drymme there, William Yule there, George Lyell there, George Watsoun at the Mill of Leucher, William Cowy in Straith, Thomas Crystesoun there, Johne Crystie at the Mill of Blakleshe, Alexander Peddie there, William Bonnar in Fodro, Alexander Drone in Delatie, Alexander Low there, Andro Gellie in Bonaketle, David Low there, David Peddie there, William Nudrie there, Johnne Burnet in Haistymure, 200 merks each, not to harm Waltir Ramsay of Furdhoussis of Pittarro, James Rollok in Westertoun, Andro Yet at the Mill of Balfechie, Johne Lamb in the Westertoun of Balfoure, Johnne Bynnie there, Johne Gellie in the Kirktoun of Newdosk, William Mylne there, Johne Davidsoun in Banchorich, Thomas Guthrie in Halhill, George Mylne in Bancherich, Johne Jamie there, Johne Oustene in Westertoun, Johne Findla there, William Guthrie, servitor to Sir Johnne Wischart of Pittarro, Johne Wischert in Easter Wodtoun, Gilbert Peddie in Cowlie, James Gentilman there, Johne Burne (? Burnet) in Pettingairdener, William Sibbald in Carnetoun, George Rait in Westertoun of Pittarro, or Alexander Low in Balfechie. Fol. 79, a.

Haddington, 13th Dec. Agnes Banatyne and David Wilson.

Nicoll Ramsay of Cokpen for Agnes Bannatyne, good-wife of Leswaid, 1000 merks, and for David Wilsoun, her servant, in Leswaid, 500 merks, not to harm Hew Meklejohne.

David Maxwell.

Mr Alexander Maxwell, brother of Patrik Maxwell of Newwark, for David Maxwell of Kilmacolme, 300 merks, to answer before the Lords of Secret Council upon 27th instant for his disobedience in refusing to

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satisfy the Kirk anent his religion; also to pay to the Treasurer 20 merks for his escheat, or else obtain nullity of the horning used against him for his non-compearance to satisfy the Kirk anent his religion.

John Fullarton and others.

Robert Gray of for Johnne Foullertoun, James Fyff, William Gray, Waltir Couper, David Gray, Johne Ferrie, Johne Yeaman, and George Mathew, burgesses in Dundie, 500 merks each, to answer before the Lords of Secret Council upon 27th instant to a complaint against them for their alleged contravening of a proclamation made anent the down-laying of their armour and keeping of the peace in the said burgh.

David Mersington and others.

Johne Achesoun, portioner of Inueresk, for David Mersingtoun, smith in Inueresk, Robert Lowry, wright there, and James Mersingtoun, son of the late Alexander Mersingtoun, burgess of Musselburgh, 300 merks each, not to harm Johnne Cleghorne in Inueresk.

Fol. 80, a.

Haddington, 14th Dec. Dandie Douglas and others.

William Mader, portioner of Langtoun, for Dandie Douglas in Langtoun, Robert Trumble there, Bessie Douglas, his spouse, Thomas Turnble, his son, and Dandie Turnble, the said Robert's father, 300 merks each, to answer before the Secret Council on 27th instant to a complaint made against them by Raguell Bennett of Chesteris.

William Horsburgh.

William Horsburgh in Bancreif, as principal, and Mark Achesoun, portioner of Prestoun, as surety, £500, not to harm Mr James Borthuik of Lochhill.

Edinburgh, 20th Dec. Elizabeth Dundas.

Hew Bannatyne in Leswaid for Elizabeth Dundas, relict of Johne Wauchop of Newbigging, bailie of Nudrie, 300 merks, to answer before the Lords of Secret Council on 27th instant to a complaint made against her by Thomas Fairlie, fiar of Comestoun, for taking from him "ane peis

Fol. 80, b.

stalk," and committing other acts of oppression upon him; also to pay to the Treasurer £40 for her escheat or else obtain nullity of the horning used against her for the cause foresaid. George Spence, writer, becomes surety in relief.

Fol. 84, a.

John Campbell.

Johne Perie, portioner of Cowbyre, for Johne Campbell in Cowbyre, 500 merks, not to harm Androw Boyd, portioner there.—Mr Oliver Colt,

Fol. 84, b.

advocate, registers the band, written by George Bissett, notary public, and subscribed at Cowper Abbey, 16th December, before James Pitcullo, younger in Cowper, Thomas Andersoun there, Anthone Clerk, servitor to the said Johne Campbell, and the said writer hereof.

Edinburgh, 21st Dec. Gilbert Anderson and others.

Johnne Campbell of Moy, commissary of Inuernes, for Gilbert Andersoun in Moyland, Andro Pyper there, Johne Nicolsoun in Moy, and William Mylne there, 300 merks each, not to harm William Sutherland of Duffus, William Cuming in Gership, William Maisoun there, or William Carroch there.

Campbell of Moy.

Johne Grant of Glenmorestoun for Johnne Campbell of Moy,

Fol. 81, a.

commissary of Invernes, £1000, to the effect foresaid.—Mr Patrik Forrest, advocate, registers the band, subscribed at Inuernes, 27th October last, before Thomas Fraser of Strechin, Thomas Fraser, younger, his son, and William Fraser, his servitor.

Fol. 81, a.

Johne Montgomerie of Scottistoun for Mr Johnne Hay, parson of

Edinburgh, 24th Dec. Mr John Hay and others.

Renfrew, Susanna Hay, his sister, relict of Archibald Gibsoun, and Henry Gibsoun, her son, not to harm Mr Hew Gibsoun, Mr David Gibsoun, his brother, James Forret, Robert Rowat, Johne Rowat, Mr Alexander Rowat, and Mr Archibald Rowat, his sons, Johne Wilsoun, officer, Thomas Forsyth, baxter, Andro Stark, Johne Gibsoun, William Wallace, or George Scot, painter, under the pains in the letters of lawburrows raised against them.—Mr Umphra Blinsele, advocate, registers the band, written by David Andersoun, writer in Edinburgh, and subscribed at Glasgow, 21st December, before David Montgomerie of Easter Scottistoun, Archibald Hay, brother of the said Mr Johne, William Somervaill, common clerk of Renfrew, and the said writer hereof. Acta Cant. 1591–1616. Fol. 81, b.

Mr John Hay, his brothers, and others.

David Montgomerie of Easter Scottistoun for Mr Johne Hay, parson of Renfrew, Mr David Hay, Mr Andro Hay, Archibald Hay, his brothers, Susanna Hay, his sister, Henry Gibsoun, her son, Margaret Dougall, her servant, Johne Robertsoun, messenger, and Johnne Mauchane in Glasgow, to the effect foresaid.—The band, registered and written as above, is witnessed by Mathew Cambroun and Patrik Wilsoun, cordiners, burgesses of Glasgow, Mr Robert Andersoun, notary there, Robert Harbertsoun, flesher, burgess there, William Somervaill, and Mr Johne Allansoun, conotaries,—the last two subscribing for David Montgomerie. Fol. 82, a.

Stirling, 26th Dec. The Earl of Cassillis.

Johne, Earl of Cassillis, as principal, and Hew Kennedy of Garrihorne, and Gilbert Ros, servitor to the Earl, as sureties, £5000, to answer when required to such things as shall be laid to his charge touching the "oursicht and attempt" committed by him in presence of the Lords of Secret Council against dame Jeane Fleming, his spouse, within the council-house of Haddingtoun, upon 1st November last; also to keep ward bewest the burgh of Linlithgow till he be freed by the said Lords. Fol. 82, b.

Edinburgh, 27th Dec. Jeffray Irving.

Sir James Johnnstoun of Dunskellie for Jaffray Irwing, son of Edward Irwing of Bonschaw, 500 merks, not to harm Johnne Murray, one of his Majesty's Guard.

Sir Robert Gordon.

William M°Culloch of Mertoun and Johne Gordoun of Airdis (Erlistoun) for Sir Robert Gordoun of Lochinvar, 5000 merks, to answer on 3rd January next before the Lords of Secret Council to a complaint made against him by dame Elizabeth Maxwell, his mother.

James Tulloch and others.

Mr James Keyth of Drumtochtie for James Tulloch in Drumtochtie, £1000, and for William Smyth there, George Bellie there, Alexander Watsoun there, Williame Mylne at the Mill of Boinlihillok, and Piter Leper there, 500 merks each, not to harm Sir David Wode of Craig.—The band, registered by Mr Johne Nicolsoun, advocate, and written by Alexander Robertsoun in Acherous, is subscribed at Witstoun, 21st December, before Andro Keyth in Henstoun, William Falcouner in Witstoun, Andro Barclay in Ranschaw, said writer hereof, Johne Erskin, minister at Eglisgreg, and Mr Robert Arbuthnot, minister at Garvoik. Fol. 83, a.

Mr James Keith and his son.

Arthour Stratoun of Snawtoun for Mr James Keyth of Drumtochtie, and George Keyth, his son, either of them in £2000, to the effect foresaid.—The band registered, &c., as above. Fol. 83, b.

Acta Caut. 1591-1616.

Robert Gray of Cranislie for Robert Home in Ecclis, Ewmond Dodis in Wormelaw, Patrik Desheitt in Ecclis, Johne Kello there, William Blak there, Arthour Greiff there, Johne Dicsone there, Robert Barrie there, and Johne Smyth there, £100 each, to answer before the Lords of Secret Council upon 10th January next to a complaint made against them by Robert Hepburne, Lieutenant of the Guard, touching the intromitting with certain corns after the same had been arrested and put in the keping of the said Robert.—The band, registered by Mr Lourence M°Gill, advocate, and written by Mr James Home, servitor to Mr James Home of Ecclis, is subscribed at Cranstoun, 26th December, before Alexander Home of Crochrig, and George Hepburne, one of his Majesty's Guard. Robert Home and others.

Fol. 84, a.

Stevin Bruntfeild of Drygrange for Mr Alexander Home, servitor to Mr James Home of Ecclis, Thomas Bruntfeild in Bankheid of Ecclis, and Petir Hendersoun in Kelso, to answer to Robert Hepburne of Aulderstoun, Lieutenant of the Guard, for the corns intromitted with by them, and which had been sequestrated in the hands of the Guard, to remain in their keeping till it had been decided to whom the same belonged, according to the warrant of sequestration. Edinburgh, 28th Dec. Mr Alexander Home and others.

Acta Caut. 1601-1605. Fol. 263, a.

Williame Lawder of Quhitslaid for Raulf Erskene, portioner of Dryburgh, 1000 merks, not to harm Alexander Young, servitor to Robert, Lord Roxburgh.—Mr Johne Nicolsoun, advocate, registers the band, subscribed at Quhitslaid, 27th January (? December) 1604, before Francis Wilkiesoun, in Lawder, writer hereof, Alexander Wilkiesoun, younger, burgess there, Androw Murray, servitor to the said William Lawder. Edinburgh, 31st Dec. Ralf Erskine.

Fol. 263, b.

Oliver Kay, merchant, burgess of Edinburgh, for James Linlythgow, burgess in Lanerk, 500 merks, not to harm Mr Johne Twedy of Winkstoun. Edinburgh, 2nd Jan. 1605. James Linlithgow.

Johne Aissoun in Carse of Cambusbarroun, and Barbara Fogo, his spouse, as principals, and Nicoll Murdiestoun, burgess of Striviling, as surety, £500, not to harm Sir James Forrester of Garden, or Johne Layng, burgess of Striviling, his tenant. Edinburgh, 3rd Jan. 1605. John Ayson. and spouse.

Fol. 264, a.

George Maxwell, son and heir of late Johne Maxwell of Balgirscho, for Johne Rory in Balmacruchie, Johne Mustard there, Thomas Fergusoun in Wester Balmacruchie, Johne Brysoun in Easter Dalnabirk, Johne Schaw in Wester Dalnabirk, Johne Keill M°Allane there, Allaster Brysoun at the Mill of Pitcarnich, William Mawis there, Johne Schaw there, Thomas Murray in Balnabroich, Donnald Dowlie in the Merkland, Androw Reid in Balmyle, Johne Stewart there, Robert Ray there, Allaster Stewart in Wester Ballamaines, James Crychtoun in Bletoun, Johne Murray there, David Spalding in Enoch, Donald Harper there, Johne Adame in the Lair, Richard M°Eane Dowy there, Lauchlane M°Ferquharsoun in Brochdarg, James Spalding in Corydon, and Allaster Retray at the Mill of Enoch, each of them to buy from Johne, Earl of Athoill, and Sir Robert Crychtoun of Cluny, such quantity of arms as it shall be found they ought to buy, under the pain of £50 for each stand. John Rory and others.

Mr Alexander Maxwell, brother of Patrik Maxwell of Newwark, for David Maxwell of Kilmacolme, 300 merks, to answer upon 14th David Maxwell.

February next for his rebellion "tuicheing his refuiseing to satisfie the Kirk anent his religioun"; also to pay to the Treasurer 20 merks for his goods escheat through his being denounced for his non-compearance to answer the said complaint, and that within 40 days hereof. Acta Caut. 1601-1605.

Sir Robert Gordon. Sir Robert Gordoun of Lochinvar, as principal, and Johne Gordoun of Traquhane and William Gordoun of Crachlaw, as sureties, 10,000 merks, not to harm Dame Elizabeth Maxwell, Lady Lochinvar, his mother, her bairns, tenants, and servants. Fol. 264, b.

William Wood and others. Robert Lichtoun, fiar of Ulissane, for William Wode of Balblane, Patrik Lichtoun, his brother, James M^cKen, son of James M^cKen, burgess of Montrois, and the said Robert, 5000 merks each, to remain in Ulissane till the Lords of Secret Council grant permission to remove.—Cornelius Tennent, advocate, registers the band, written by David Peirsone, and subscribed at Reidoch, 26th December, before Johne Grhame, servitor to the Master of Montrois, David Ouchterlony, bailie of Arbroith, Alexander Innes of Kynnaird, and said writer hereof.

Mr Arthur Erskine and others. Mr Arthour Erskene, bailie of Montrois, for himself and for David Erskene in Logy, Robert Erskene, his brother, and Robert Keith, son of Robert Keith, burgess of Montrois, 5000 merks each, to remain within the bounds of Din or Logy till licensed to depart.—Cornelius Tennent, advocate, registers the band, subscribed at Dundie, 26th December 1604, before William Foullartoun of Ardo, Johne Erskene in Thak, Androw Rollok in Montrois, Thomas Narne, servitor to the said William Foullartoun. Fol. 265, a.

Sir William Grierson. Johne Greirsoun of Bargaltoun for Sir William Greirsoun of Lag, 2000 merks, not to harm Johne Greirsoun, son and heir of the late Cuthbert Greirsoun of Dalskarth, Barbara Redik, relict of the said Cuthbert and tutrix testamentary of the said Johne, Johne M^cClellane of Overlaw, her spouse, for his interest, or James Huntar in Dalmacurane, their tenant. —Mr William Borthuik, advocate, registers the band, written by Harbert Cunynghame, notary, and subscribed at Drumfreis, 29th December 1604, before Johne M^cKnaucht of Kilquhonnadie, Gilbert Greirsoun, called of Dalskarth, said writer hereof, and Johne Charteris, writer. Fol. 265, b.

Gilbert Grierscn. Sir William Greirsoun of Lag for Gilbert Greirsoun, his servant, 1000 merks, to the effect foresaid.—The band, registered, written, and dated as above, is witnessed by Johne M^cNacht of Kilquhonnadie, Johne Greirsoun of Bargaltoun, said writer hereof, and Johne Charteris.

Edinburgh, 8th Jan. Elizabeth Dundas. James Wauchop of Newbigging and Robert Johnestoun of Moshope for Elizabeth Dundas, relict of Johne Wauchop, bailie of Nudrie, 300 merks, to answer upon 17th instant to the complaint made against her by Thomas Fairlie, fiar of Comestoun, touching her intromitting with certain corns belonging to him; also to pay to the Treasurer 40 merks for her escheat goods within 40 days hereof, or else obtain nullity of the horning executed against her for the foresaid. Fol. 266, a.

James Forfar. Johne Kynneir of Botheris for James Forfar in Brydestoun, £500, not

Acta Cant. 1601–1605.

to harm James Auchinlek in Drumleith.—Archibald Boyd, advocate, registers the band, written by Johne Noray, notary in Brechin, and subscribed there, 2nd January, before David Schewane, burgess of Dundee, Robert Low, citizen in Brechin, Robert Levingstoun, son of Johne Levingstoun of Donypace, and said writer hereof.

Fol. 266, b.

Robert Merser of Craigis for Alexander Gordoun of Lesmoir, 2000 merks, and James Gordoun, his son and apparent heir, £1000, not to harm George, Marquis of Huntlie; also not to harm James Gordoun of Candmoir, Alexander in £1000, and James in 1000 merks. Alexander Gordon and his son.

Oliver Kay, merchant, burgess of Edinburgh, for Robert Scott in Kirkfeild, James Linlythgow, burgess of Lanerik, and William Schort in Kirklandhill, also the said James for Williame Linlythgow, his son, either of them in 500 merks, not to harm Issobell Hammiltoun, Lady Stanehous, Mr Johne Twedy of Winkstoun, her spouse, Williame Twedy, son of the Goodman of Dreva, Williame, Adame, and Charlis Twedyis, also his sons, or James Twedy of Denis. [The names of Scott and Schort are deleted in the register.] Edinburgh, 17th Jan. Robert Scott and others.

Fol. 267, a.

Robert Gray, son of Patrik, Lord Gray, for Mistress Elizabeth Home, spouse of Mr James Home of Ecclis, to make the whole corns belonging to the said Mr James, put under sequestration and arrestment in the keeping of the Lieutenant of the King's Guard, furthcoming to all parties having interest according to law. Lady Eccles.

Mr Johne Rutherfurde, bailie of Jedburgh, for Robert Turnebull in Langtoun, and Thomas Turnebull, his son, either in 500 merks, not to harm Ragwell Bennett of Chesteris. Robert and Thomas Turnbull.

Fol. 267, b.

James Wauchop, son of Elizabeth Dundas, relict of Johnne Wauchop, bailie of Nudrie, for his said mother, to deliver to Thomas Fairlie, fiar of Comestoun, so many bolls of victual with the fodder as shall be decerned against her for the reif of the teinds of Nudrie of the year 1604, spuilyied by her. Elizabeth Dundas.

William Crychtoun of Tounheid, as principal, and Alexander Baillie of Callange and Alexander Carmichaell of Burnehouse, as sureties, 2000 merks, not to harm James M°Math, son and heir of the late James M°Math of Castelgilmour. Edinburgh, 18th Jan. William Crichton.

Robert Gray of Cranesley for Androw Flescheour, burgess of Dundie, £1000, that, on being freed of his ward in the Castle of Dumbartane, he will go to Edinburgh and keep ward there till he be "convalescit of his present disease," and will then enter again in the said Castle. Andrew Flesher.

Fol. 268, a.

Mr Androw Fletcher, son and apparent heir of Robert Fletcher, burgess of Dundie, for Walter Rollox, burgess there, to pay to the Treasurer £40 for his escheat goods fallen into the King's hands through his non-entry in ward in the Castle of Blaknes, or else obtain nullity of the horning executed against him. Walter Rollock.

Ragwell Bennet of Chesteris, as principal, and Johne Mader of Langtoun, as surety, 500 merks, not to harm Robert Turnebull in Langtoun, or Thomas Turnebull, his son. Raguel Bennet.

Edinburgh, 19th Jan. William Bennet.

Said Ragwell for William Bennett, his brother, 300 merks, to answer upon 31st instant to a complaint against him by Robert Turnebull in Langtoun, touching certain points of oppression alleged to have been committed upon the said Robert. Acta Caut. 1601–1605. Fol. 268, b.

John Lennox and his son.

Colene Campbell of Both for Johne Lennox in Innerlawran, and Johne Lennox, his eldest son, either of them in 500 merks, to underlie the laws when charged before Walter, Prior of Blantyre, justice in the Lennox, for any crime that can be laid to their charge; also for Johne Lennox, elder, not to slay salmon fish in forbidden time with coble, net, spears, or other engine upon the waters of Clyde and Leaven; also both to pay to the Treasurer £10 for their escheats in case it be found that they have any outwith the regality of Lennox.

Edinburgh, 21st Jan. John Murdoch and his spouse.

Patrik Murdoche of Camloddane for Johne Murdoche in Holme, and Grissell Smyth, his spouse, not to harm Robert Currour, son of James Currour in Holme, Androw Clerk, James Currour, tailor, Walter Herreis of Knokshynnoch, or Robert Herreis of Crochmoir, under the pains in the King's letters.—Mr Umphra Blinsele, advocate, registers the band, written by Johne Baillie in Drumfreis, and subscribed at Barbachill, 17th January, before James Dowglas, "my servand," Robert Murdoch, son of the said Johne, James Geddes in Barbachill, and Patrik M°Kno in Barfill. Fol. 269, a.

Edinburgh, 23rd Jan. William Kirkpatrick.

Thomas Kirkpatrik, apparent of Closburne, for William Kirkpatrik, son and apparent heir of Alexander Kirkpatrik of Kirkmichaell, 3000 merks, not to harm Mr Johne Johnestoun, commendator of Halywode.—Mr Johne Russell, advocate, registers the band, written by Harbert Cunynghame, notary, and subscribed at Drumfreis, 19th January, before Thomas Kirkpartik, father-brother of the Goodman of Freircars, Charlis Kirk, servant to the young Laird of Kirkmichaell, Robert Mylne, servant to the Laird of Amisfeild, Johne Gibsoun, Claud Kirkpatrik, father-brother of Johne Kirkpatrik of Freircars. Fol. 269, b.

Robert Fergusson.

Robert Charteris of Auchinstrowane for Robert Fergusoun, apparent of Craigdarroch, £1000, not to harm Johne Greirsoun, son and heir of the late Cuthbert Greirsone of Dalskairth, Barbara Redik, relict of the said Cuthbert and tutrix testamentary to the said Johne, Johne M°Clellane of Overlaw, her spouse, or James Hunter in Dalmacurrane, their tenant.—Mr Johne Russell, advocate, registers the band, written by Johne Rig, notary, and subscribed at Glencarne Kirk, 21st January, before Johne Broun, minister at Glencarne, Androw Fergusoun, clerk at the said kirk, Johne Fergusoun in the Kirkland of Glencarne, James Fergusoun in Schankescheill, and said Johne Rig.

Edinburgh, 27th Jan. John Gordon.

Johne Leslie of Chapeltoun for Johne Gordoun of Tullichowdie, to obey the charges raised by the provost and bailies of Aberdene not to slay black fish in forbidden time with coble, net, "pok, creill, herrie watter," spear, wand, or any other engine mentioned in the King's letters.—Mr Alexander King, advocate, registers the band, written by Johne M°Kiesoun, notary public, and subscribed at Aberdene, 17th November 1604, before Fol. 270, a.

Acta Caut. 1601-1605.

Johne Leslie of Pitcapill, George Seytoun of Schethen (Auchinhufe), William Abercrumby of Pitmathie, Mr Alexander Chalmer, servitor to Mr Johne Cheyne of Pitfechie, and said writer hereof.

Raguell Bennett, Chesteris for Williame Bennet, his brother, £200, not to harm Robert Turnbull in Langtoun or Thomas Turnbull, his son. Edinburgh, 31st Jan. William Bennet.

Fol. 270, b.

William Crychtoun of Tounheid, as principal, and Sir Robert Crychtoun of Cluny, as surety, 2000 merks, not to harm James M^cMath, son and heir of the late Johne M^cMath of Castelgilmour. Edinburgh, 1st Feb. William Crichton.

Sir James Johnestoun of Dunskelly for Robert Johnestoun of Brigholme, 3000 merks, to answer upon 7th instant to a complaint against him by Elizabeth Stewart, relict of Johne Johnestoun of Newbie, for taking and detaining the tower and fortalice of Newbie; also to deliver the same to her in case it be found he ought to do so; farther, to pay 100 merks for his escheat goods within 40 days hereof, or else obtain nullity of the horning executed against him for the cause foresaid. Robert Johnston.

Robert Gray of Mylnehill for James Low, collector of the burgh of Dundie, David Mudie, deacon of the tailors, Thomas Gray, deacon of the baxters, James Watt, deacon of the hammermen, William Saidlar, deacon of the cordiners, and David Watt, deacon of the fleshers, 300 merks each, to answer before the Lords of Secret Council upon 24th instant for their disobedience in "refuising to convene within the tolbuith of Dundie, to the electioun of the magistrattis of the said burgh, upoun the day appointit to that effect, quhair the Lordis of Secrete Counsale wes present for the tyme"; also to pay to the Treasurer £40, each of them, for his escheat goods, within six days hereof, in case it be found that they ought to do the same. Deacons of crafts in Dundee.

Fol. 271, a.

Harbert Maxwell of Cavence for Mark Carrutheris in Lynholme, Johne Myllar in Cruikis, Androw Betie in the Schaw, Michaell Freuch, man to Sandie of Langholme, Will Murray, smith, Dik Irwing in , Archie Litle in Pothame, George Litle there, Thomas Rae in Cruikis, Androw Broun in Mans, Johne Betie in the Knok, Adame Thomesoun there, Richie and Archibald Thomesoun there, Androw Murray in Boykin, Geordie Betie there, Androw Litle of the Rig, Niniane and Jok Ellottis there, Thome Litle in Eggit, Johne Litle in Stanggait, Johne and Thome Litles in Drelane, Androw and Mathow Litles in Cule, Johne Betie in Mylgilheid, Adie Syme, Thome Litle in Trohoip, and Wattie Betie "the musman," £100 each, to answer upon 14th instant to a complaint against them touching their alleged resisting of the Lieutenant of the King's Guard while executing his commission against certain inhabitants of Eskdaill and Annanderdaill. Mark Carruthers and others.

James Lindsay of Dowhill for Peter Broun of Polquharne, 500 merks, that, on being freed furth of his present ward in the burgh of Haddingtoun, he will repair to the burgh of Striveling, and remain there till he obtain himself relaxed from the process of horn executed against him at the instance of William Stalker, goldsmith, burgess of Edinburgh, for not paying to him a certain sum of money. Peter Brown.

Edinburgh, 2nd Feb. Robert Crichton.

William Creichtoun of Tounheid, sheriff-depute of Drumfreis, for Robert Creichtoun, his brother, not to harm James M^cMath, son and heir of the late Johne M^cMath of Castelgilmour, uuder the pains in the King's letters. Acta Cant. 1601–1605. Fol. 271, b.

Edinburgh, 4th Feb. Walter Rollock.

Robert Gray of Cranislie for Walter Rollok, burgess of Dundie, £3000, that, on being freed furth of Blaknes, he will not repair within six miles of Dundie, but remain in the shire of Fyffe till he be relieved by the Council.

Robert Crichton.

William Creichtoun of Tounheid for Robert Creichtoun, his brother, to pay to the Treasurer £100 for his escheat in case it be found that he ought to do the same. Fol. 272, a.

Walter Wood.

David Lindsay, fiar of Vaine, for Waltir Wode of Fettircairne, 2000 merks, not to harm Robert Mylne in Fettircairne.—Archibald Boyde, advocate, registers the band, written by Robert Lokhart, reader at Fettircairne, and subscribed at Balbeigno, 29th January, before Patrik Wode in Fettircairne, said writer hereof, Alexander Tindale there, Johne Mylne, servitor to the said Waltir, Johne Noray, notary, and Waltir Pikman.

Edinburgh, 7th Feb. John Cunningham.

Mr George Butler, servitor to my Lord Yester, for Johnne Cunynghame, servitor to Johnne Cunynghame of Birkschaw, 200 merks, to answer when charged for his bearing hagbuts and pistolets,—George Cunynghame, merchant, burgess of Edinburgh, becoming surety in relief. Fol. 272, b.

Edinburgh, 8th Feb. Susannah Hay.

Mr Johne Hay, parson of Renfrew, for Susanna Hay, relict of Archibald Gibsoun, commissary clerk of Glasgow, £1000, not to harm Mr Hew and Mr David Gibsones, sons of the late Mr David Gibsoun, town clerk of Glasgow, Jonet Dunlope, his relict, Robert Rowatt, bailie of Glasgow, or Johne Rowatt, his son.—Mr Umphra Blinsele, advocate, registers the band, written by William Ker, and subscribed at Glasgow, 29th January, before Mr David Hay, "my brother," Mr David Schairpe, provost of Bothwell, Johne Colquhoun, notary in Glasgow, and David Andersoun, writer in Edinburgh.

Edinburgh, 14th Feb. Robert and Andrew Flesher, and James Low.

David Gairden, litster, burgess of Edinburgh, for Robert Flescheour, Androw Flescheour, and James Low, burgesses of Dundie, £1000 each, that, on being relieved furth of their present ward,—the first two out of the Castle of Dumbertane and the last out of the burgh of Linlythgow,—they will repair to Edinburgh and remain there till freed by the Council. Fol. 273, a.

Patrick Carkettle and others.

Archibald Hammiltoun of Barfurd, and Thomas Fairlie, fiar of Colmestoun, for Patrik Carkettle of Over Libertoun, 3000 merks, George Carkettle, his brother, and Johne Broun, brother of George Broun of Colstoun, either in 1000 merks, that, on being freed furth of their present ward in the burgh of Linlythgow, they will repair to Edinburgh and remain there till relieved by the Secret Council; also not to harm James Libertoun in Nether Libertoun under the following pains,—Patrik £1000, and either of the others £500.

Edinburgh, 15th Feb. Robert Crichton.

Sir James Douglas of Drumlangrig for Robert Creychtoun, brother of William Creichtoun of Dernhunche, £1000, not to harm James M^cMath, son and heir of late Johne M^cMath of Castelgilmour. Fol. 273, b.

John Forbes.

Arthour, Master of Forbes, for Johnne Forbes of New, not to slay salmon

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fish in forbidden time upon the waters of Die or Done, "branchis and granis thairof," conform to the King's letters dated 1st September 1604.—Mr Lowrence M^cGill, advocate, registers the band, written by Robert Burnet, writer in Abirdene, and subscribed there, 2nd January, before

Fol. 274, a.

Thomas Burnet of Cluny, Alexander Forbes of Auchmoutie, Alexander Lumisdane of Cloua, and said writer hereof.

Rowy Beattie.

Mr Johne Elphingstoun, servitor to the Master of Mortoun, for Rowy Betie, brother of Alie Betie of Blakesk, £100, to answer for his alleged resisting of the Lieutenant of the Guard in the execution of his duty in Eskdaill and Annanderdaill.

Alexander Ogilvy.

James Lawtie, burgess of Culane, for Alexander Ogilvy of Boyne, to buy from Sir Micchell Balfour such quantity of arms as he ought to buy, under the pain of £100 for each stand; also to pay to the Treasurer 100 merks for the gift of his escheat in case it be found that he ought to do so.

Edinburgh, 18th Feb. Alexander Seton.

David Forrest, burgess of Haddingtoun, for Alexander Seytoun, sheriff-depute within the constabulary of Haddingtoun, £1000, not to harm Patrik Hepburne of Newmylnes.

Fol. 274, b.

Edinburgh, 19th Feb. Andrew Imrie.

William Hendersoun, portioner of Innerdovat, for Androw Imrie, portioner of Fordell, 1000 merks, not to harm James Elphingstoun of Innerdovat.—Mr Henry Balfour, advocate, registers the band, written by Alexander Litlejohne, notary, clerk of Portincraig, and subscribed at Innerdovat, 17th February, before Johne Lessillis, son-in-law to the said William, James Reid, son-in-law to the said Androw, Johne Kirkcaldy, and James Kirkcaldy.

Edinburgh, 21st Feb. George Hepburne.

Sir Alexander Hammiltoun, younger of Innerweik, for George Hepburne, sometime one of his Majesty's Guard, £500, not to harm Dandie Pott, son of James Pott in Sproustonn,—Robert Hepburne, Lieutenant of the Guard, becoming surety in relief.

Fol. 275, a.

Patrick Murdoch.

Johne Murdoch of Dallasche for Patrik Murdoch of that Ilk, called of Camloddane, £1000, not to harm James Currour in Holme, Robert Currour, his son there, Andro Clerk, James Currour, tailor, Waltir Herreis of Knokschynnok, or Robert Herreis of Crochmore.—Mr Alexander King, advocate, registers the band, written by Robert Cunynghame, notary, and subscribed at Drumfreis, 18th February, before Robert Murdoch in Holme, Archibald Rae in Beoth, Richard Rae in Amisfeild, and Johne Bailyie, writer,—the said notary subscribing for the principal, "becaus I can not write myselff, in respect I am presentlie hurt and woundit in my rycht hand."

Fol. 275, b.

Dandie Pott.

Raulff Ker of Schaw for Dandie Pott, son of James Pott of Sproustoun, £500, not to harm George Hepburne, sometime one of the King's Guard,—Johne Ker of Howdoun and Androw Haitlie of Sneip becoming sureties in relief.

Edinburgh, 23rd Feb. James Low.

Andro Flescheour, burgess of Dundie, for James Low, burgess there, to pay to the Treasurer within 40 days hereof 20 merks for his escheat goods in case he be orderly denounced rebel for not entering in ward in

Blaknes for his alleged assisting at the election of certain magistrates in the burgh of Dundie. Acta Caut. 1601–1605.

Edinburgh, 28th Feb. John Gemmil.

George Crawfurd of Auchincors for Johne Gemmill, notary in Cumnok, 300 merks, not to reset or intercommune with Patrik Hervie in Cumnok during the time of his rebellion, conform to the charge given by Robert Campbell, messenger.—Mr Alexander King, advocate, registers the band, written by William Bryane, notary, and subscribed at Cumnok, 26th February, before James Kennedy at Straittoun Kirk, Johne Andersoun in Glessill, and the said Bryane. Fol. 276, a.

George Crawford, elder and younger.

George Schaw of Glenmure for George Crawfurd of Auchincors, and George Crawfurd, younger thereof, his son, 300 merks each, to the effect foresaid.—The band, registered and written as above, is subscribed at Cumnok Kirk, 26th February, before James Kennedy in Straitoun Kirk, David Reid, Johnne Gemmill, notary in Cumnok, and said Bryane. Fol. 276, b.

Sir Robert Gordon.

Johne Gordoun of Troquhane for Sir Robert Gordoun of Lochinvar, 1000 merks, not to reset or intercommune with William M°Clellan of Netherthrid, during his rebellion, conform to the charge executed against him at the instance of Patrik Nemo, tailor, burgess of Edinburgh.—Mr Robert Lintoun, advocate, registers the band, written by George Redik, notary public, and subscribed at Kenmore, 26th February, before Mr Robert Glendoning, minister at Kirkcudbricht, James Gordoun in the Kenmore, Alexander Gordoun in the Gairlaye, and the said Redik. Fol. 277, a.

George Borthwick.

James Davidsoun of Hervistoun for George Borthuik of Waltirstoun, £1000, not to harm Charlis Cairnecors of Birksneip, Nicoll and James, his brothers, or Adame Thomesoun, his servant,—the said principal, and William Borthuik, his brother, becoming sureties in relief.

John Gordon.

Sir Robert Gordoun of Lochinvar for Johne Gordoun of Troquhan, 500 merks, not to reset or intercommune with William M°Clellane or Netherthird, conform to the charge against Sir Robert by Patrik Nemok, tailor, burgess of Edinburgh.—Mr Robert Lintoun, advocate, registers the band, written by George Redik, notary public, and subscribed at the Kenmore, 26th February, before Mr Robert Glendoning, minister at Kirkcudbrycht, James Gordoun in the Kenmore, Alexander Gordoun in the Gairlarge, and the said Redik. Fol. 277, b.

Edinburgh, 7th March. Rowy Beattie.

Mr Johnne Elphingstoun, servitor to the Master of Mortoun, for Rowie Beatie, brother of Alie Beatie of Blakesk, £200, to answer upoun 25th April next for resisting his Majesty's Guard in the executioun of the King's commission; also to pay to the Treasurer 20 merks for his escheat goods which fell by the horning used against him for not answering to the said complaint.

Edinburgh, 8th March. Thomas Grierson.

Sir William Greirsoun of Lag for Thomas Greirsoun of Parkjarg, 1000 merks, not to harm Thomas Kirkpatrik, apparent of Closburne. Fol. 278, a.

James and Henry Polwarth.

William Cairncross.

William Lawsoun of Boghall and Hary Drummond in Edinburgh, for James Polwart of Cauldlaw, £500, and Henry Polwart, his brother, 500 merks, not to harm William Calder in Torphechin.

Raulff Ker of Halflankill for William Carnecors, brother of Charlis

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Carnecors of Birksneip, 500 merks, not to harm George Borthuik in Watterstoun.

Johnne Maxwell of Stanehous for William Turner in Holme, not to harm James Currour there, Robert Currour, his son, James Currour, tailor, Robert Hereis of Crochmoir, or Walter Hereis of Knokshynnoch, under the pains in the King's letters.—Mr Alexander King, advocate, registers the band, written by William Dalzell, writer, and subscribed at Drumfreis, 4th March, before Johnne M°Ghe, notary, Thomas M°Clelland and William Dalzell, writers, and Robert Maxwell, notary. William Turner.

Patrik Murdoch of that Ilk for Robert Murdoch, son of Johnne Murdoche in Holme, not to harm Walter Herreis of Knokshynnoch, Robert Herreis of Crochmoir or James Currour, tailor, under the pains in the King's letters.—Mr Alexander King, advocate, registers the band, written by Johnne M°Ghie, notary, and subscribed at Drumfries, 4th March, before said M°Ghie, Thomas M°Clellane and William Dalzell, writers, and Archibald Crokat in Holme,—the said writer hereof subscribing for Patrik Murdoch because he is wounded in his hand. Robert Murdoch. Fol. 279, a.

Robert Arnot of Newtoun of Falkland, comptroller-depute, for Robert Murray at the Brigend of Kirkaldie, to employ the money uplifted by him for repairing the west bridge of Kirkaldie upon the said bridge only. Edinburgh, 11th March. Robert Murray.

Johnne M°Ghie, commissary clerk of Drumfreis, for William Turner in Holme, to pay to the Treasurer 10 merks within 40 days hereof for his escheat goods or else to obtain nullity of the horning used against him by James Currour in Holme and his colleagues abovewritten for not finding law-burrows for their indemnity. William Turner.

William Weylandis, "lorimer," burgess of Edinburgh, for Hew Cowane in Sammilstoun, 300 merks, to answer upon 18th April next for the ravishing and awaytaking of Margaret Carketle, daughter of the late George Carketle, burgess of Edinburgh, and otherwise abusing her at his pleasure. Hew Cowan. Fol. 279, b.

Charlis Carnecors of Birksneip, as principal, and James Hoppringle of Quhytbank, as surety, £1000, not to harm George Borthuik in Watterstoun. Edinburgh, 12th March. Charles Cairncross.

Johnne Hendersoun, armourer, burgess of Edinburgh, for James Lindsay, son natural of the late Alexander Lindsay, merchant, burgess of Edinburgh, 500 merks, not to harm George Hammiltoun of Prestoun, or James and Robert Hammiltones, his sons, bailies of the town of Prestoun. James Lindsay.

Sir Androw Edmestoun of that Ilk for Alexander Cokburne of Wodheid, 500 merks, to the effect foresaid. Edinburgh, 14th March. Alexander Cockburne. Fol. 280, a.

George Hammiltoun, portioner of Prestoun, for George Hammiltoun, son of Niniane Hammiltoun in the Pans, 500 merks, also to the effect foresaid. George Hammilton.

Williame M°Kie of Mertoun for William Donnaldsoun in Elrig, and Johnne Forsyth, son of Archibald Forsyth there, 500 merks each, not to harm Matthew Stewart of Dunduff, conform to the King's letters dated at Edinburgh 22nd February last.—Mr Thomas Hope, advocate, registers the band, William Donaldson and John Forsyth. Fol. 280, b.

written by William Hair, notary, and subscribed at Monygufe, 4th March, before Johnne M^cGhie of Glentorghie, Gilbert M^cKie in Polgowne, Petir M^cDowall, fiar of Machrymoir, and Patrik Herroun of Kirktochtrie,—said notary subscribing for the principals. Acta Caut. 1601–1605.

Edinburgh, 16th March. John Charteris and others.

Thomas Kirkpatrik, fiar of Closburne, for Johnne Charterhouse of Amisfeild, and Johnne Charterhouse of Fussok for Sir William Greirsoun of Lag and Robert Douglas of Caschogill, to buy, each of them, from Sir Michaell Balfour, or James Lowrie, his depute, such arms as they ought to buy, under the pain of £100 for each stand. Fol. 281, a.

Edinburgh, 19th March. Richard Turing.

Sir James Skrymgeour of Dudhope obliges himself in £100 to enter, when required, before the King and Council, Richard Turing, burgess of Dundie, to answer for certain clippings of gold challenged in his possession.

Maxwell of Pollok obliges himself in £1000 to enter Niniane Gilhagie, burgess of Glasgow, and Johnne Gilhagie, his brother-son, before the Secret Council upon 21st instant, to answer to the complaint against them by Androw Bell, burgess of Glasgow.

Edinburgh, 21st March. Patrick Carkettle and others.

Alexander Achiesoun, fiar of Gosfurde, and Hary Broun in Edinburgh, for Patrik Carkettle of Over Lebertoun, 3000 merks, Carkettle, his brother, and Johnne Broun, brother of the Laird of Colstoun, 1000 merks, each to answer when required for the hurting of James Libertoun in Nether Libertoun.

Edinburgh, 22nd March. Mr James Johnstone.

Mr Johnne Home of Godiscraft, parson of Quhitsome, for Mr James Johnnstoun, portioner of Ballincreiff, not to harm Mr Robert Johnnstoun, his brother, Susanna Hammiltoun, his wife, or Robert Hammiltoun of Bathcat.—Mr Henry Balfoure, advocate, registers the band, written by the said Mr James, and subscribed at Carlaverok, 21st March, before Alexander Cranstoun, brother of Sir Johnne Cranstoun of that Ilk, George Haldin, servitor to Elizabeth Haldin, relict of Mr Johne Johnnstoun, brother of the said Mr James, and William Fische, servitor to Alexander Cranstoun. Fol. 281, b.

Edinburgh, 25th March. Ninian Gilhagy.

Johne M^cAddame, burgess of Edinburgh, for Niniane Gilhagie, burgess of Glasgow, to fulfil to the Treasurer for the King's interest whatever shall be decerned against him for the offence committed by him against Androw Bell, burgess of Glasgow, for which he is presently warded in the tolbooth of Edinburgh,—Sir Johnne Maxwell of Pollok becoming surety in relief. Fol. 282, a.

Edinburgh 26th March. Robert and Harry Grahame.

Johne Kynneir of Bothers for Robert and Hary Grahames, sons of James Grahame in Leuchlandis, 500 merks each, not to harm Adam Young in Stane of Benholme (Muretoun), Johnne Young, his son, or Gilbert Keyth in Blakhillis.—Mr Isack Broun, advocate, registers the band, written by Johne Noray, notary in Brechin, and subscribed there, 24th March, before Robert Kinneir, vicar of Brechin, "my brother," said writer hereof, Robert Low in Brechin, Patrik Wedderburne, burgess of Dundie, and the said James Grahame.

James Grahame.

William Foullertoun of Ardo for James Grahame in Leuchlandis, 1000 merks, to the effect foresaid.—The band, registered and written as above, Fol. 282, b.

Acta Caut. 1601–1605.

is subscribed at Cregew, 23rd March, before Thomas Narne and Robert Allan, "my servitouris," said vicar, and Johne Kynneir of Bothiris.

Robert Grahame.

Mr Andro Grahame, portioner of Easter Kynneff, for Robert Grahame, his son, fiar thereof, 1000 merks, also to the effect foresaid, conform to the

Fol. 283, a.

King's letters dated at Edinburgh 9th March last.—Robert Hammiltoun, advocate, registers the band, written by Robert Cauldwell, and subscribed at Easter Kynneff, 24th March, before Robert Lundy in Lumger, Hew Arbuthnot in Boighall, said writer hereof, and James Neilsoun, notary public.

Sir Robert Grahame.

David Rait, fiar of Halgrene, for Sir Robert Grahame of Morphie, also to the effect foresaid.—Robert Hammiltoun, advocate, registers the band,

Fol. 283, b.

written by Johne Wischart, notary, and subscribed at Morphie, 24th March, before Robert Grhame and Thomas Burnet in Cunestoun, James Lundie at the little mill of Morphie, George Jamie in Pitmure, said writer hereof, James Ogilvy in Dunnagar, Johne Swaine and Alexander Banye (? Ranye) there.

Robert Falconer and others.

George Barclay of Matheris for Robert Falcouner of Ballandrow, 1000 merks, William Lundy in Nether Knox, Androw Lundy in Over Knox, Patrik Arbuthnett in Inchmedden, David Androw at the kirk of Benholme, and Patrik Gray in Mylneden, 500 merks each, also to the effect

Fol. 284, a.

foresaid.—Robert Hammiltoun, advocate, registers the band, written by Robert Cauldwell in Ballandrow, and subscribed at Matheris, 24th March, before Mr James Sibbald, parson of Benholme, Robert Lundy of Limgar, Alexander Ogilvy in Matheris, David Ranye there, James Simsoun and James Neilsoun, notaries public, the last subscribing for the cautioner and principals.

Robert Lundy and Andrew Elder.

Johne Elder, tailor, burgess of Edinburgh, for Robert Lundy in Limgar and Androw Elder in Stane of Benholme, 500 merks each, also to the effect foresaid, the said principals, with William Lundy in Nether Knox and Robert Grhame, fiar of Fernieflet, becoming sureties in relief.—The band, registered and written as above, is subscribed at the kirk of Benholme, 24th

Fol. 284, b.

March, before Mr James Sibbald, parson of Benholme, Robert Falcouner of Ballandro, Androw Lundy in Over Knox, Robert Cauldwell, and James Neilsoun, notary public,—Neilsoun and David Falcouner, notary public, subscribing for Johne Elder.

John Lundy and others.

Johnne Symmer, fiar of Braichinche, for Johne Lundy in Arbirny, James Lundy in the Mill of Morphie, Richard Grhame in Over Craigie, George Lundy, servitor to Mr Gawin Dowglas, and Alexander Craigy in Nether Knox, 500 merks each, also to the effect foresaid.—Mr Lawrence M°Gill, advocate, registers the band, written by said Robert Cauldwell, and subscribed at Braichinche, 25th March, before James Symmer, servitor to the said Johne, Robert Grhame in Leuchland, and Robert Cullace in Braichinche.

Alexander Gairdin and sons.

William Grhame of Chartetoun, for Alexander Gairdin of Borrowfeild, 1000 merks, and for Alexander and Johne Gairdins, his sons, 500

Fol. 285, a.

merks each, also to the effect foresaid.—Mr Lawrence M°Gill, advocate,

registers the band, subscribed on 24th March before Richard Gairdin, burgess of Montrois, Mr Androw Leich, parson of Marytoun, David Falcouner, notary, and Henry Smart, notary at Borrowfeild, Acta Caut. 1601–1605.

Edinburgh. 28th March. James Stewart.

Johne Levingstoun of Donypace for James Stewart of Rossyth, 3000 merks, to obtain himself relaxed by 15th May next from the process of horn executed against him at the instance of Robert Durie of that Ilk for not paying to him certain sums of money specified in the letters of horning used against him, for which he is presently warded in the Castle of Edinburgh, or then to re-enter in ward within the said Castle and there remain till he satisfy the said letters.

Alexander Stewart.

Sir Johne Vaus of Barnebarroch for Alexander Stewart of Garleis, 5000 merks, not to harm Johne Maxwell of Garrerie. Fol. 285, b.

James Cunningham.

Sir Johne Drummond of Bordland for James Cunynghame of Glengarnock, £5000, not to harm Johne Cunynghame of Drumquhassill, or Margaret Elphingstoun, his mother and tutrix testamentary.—Mr William Oliphant, advocate, registers the band, written by Mr Johne Davidsoun, minister at Muthill, and subscribed there, 27th March, before Malcolme Drummond, brother of Sir Johne Drummond of Bordland, James Tailyeour in Muthill, and the said minister.

John Maxwell.

Sir Alexander Hammiltoun, younger of Innerweik, for Johne Maxwell of Garrerie, £1000, not to harm Alexander Stewart of Garleis. Fol. 286, a.

Edinburgh, 1st April. Dalrymple of Stair.

William Hamiltoun of Mosgavill for Johne Dalrumple of Stair, 1000 merks, not to harm James Dalrumple, his brother, William Dalrumple, younger in Pennyfodyeochmylne, or Robert and Johnne Oisburnes in Stairaird.—Mr Robert Young registers the band, written by James Wallace, writer in Ayr, and subscribed there, 28th March, before Johne Wallace, burgess of Air, Johne Maxwell, servitor to the Lady Lochinvair, elder, George Angus, bailie clerk of Kilestewart, and the said writer hereof. Fol. 286, b.

Edinburgh, 2nd April. William Wilson.

Androw Sprewle, burgess of Innerkeithing, for William Wilsoun at Pitluvermylne, 500 merks, not to harm Waltir Tailyeour at Fordellmylne.

Sir William Grierson.

Johne Greirsoun of Bargaltoun for Sir William Greirsoun of Lag, to buy so much armour from Sir Micchell Balfour of Burley, or James Lowry, his depute, as shall be modified by the Lords of Secret Council.—Mr Johne Scharpe, advocate, registers the band, written by Harbert Cunynghame, writer, and subscribed at the Lag, 28th March, before Gilbert Greirsoun, called of Dalskairth, David M°Clairne in Lag, Gilbert Greir, tailor, and the said writer hereof. Fol. 287, a.

Edinburgh, 4th April. David Hunter.

Johne Gilchryst in Leyth for David Huntar, merchant, burgess of Dundie, to pay to the Treasurer within 40 days hereof £40 for his escheat goods, or else to obtain nullity of the horning used against him for not entering in ward in the Castle of Blaknes.

Gilbert Johnstone and his sons.

James Johnestoun of the Heslibra for Gilbert Johnestoun of Wamfray, £1000, Robert Johnestoun, his eldest son and apparent heir, 1000 merks, and for James and William Johnestones, also his sons, 500 merks each, not to molest or trouble Adame Murray of Drumcreicht.—Mr Johne

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(? Robert) Leirmonth, advocate, registers the band, subscribed at the Heslibra, 1st April, before Johne Dod, Johne Porteous, Johne Carrutheris, younger of Holmendis, Richart Irwing of Knokhill,—James Johnestoun, notary and writer hereof, subscribing for the surety.

Waltir Tailliour, miller at Fordell-mill, as principal, and Johnne Tailyeour, miller at Abirdoure, his brother, and Johnne Thomesoun, mason in Abirdour, as sureties, 500 merks, not to harm William Wilsoun at Pitlour-mill. Edinburgh, 6th April. Walter Taylor.

David Broun, wright, burgess of Edinburgh, for William Sandis in Birkinheid, to buy from Sir Micchell Balfour of Burley, or Jamesoun, his factor, so much armour as he ought to buy, under the pain of £50 for each stand. Edinburgh, 8th April. William Sands.

George Murray of Brochtoun for Patrik M°Kie, burgess of Wigtoun, 500 merks, not to harm his brother, Thomas M°Kie. Edinburgh, 9th April. Patrick Mackie.

Fol. 288, a.

Robert Grhame of Fairnyflett for Sir Robert Dowglas of Glenbervie, £1000, not to harm Gilbert Keith in Blakhillis, Adame Young, in Muretoun, or Johne Young in Benholme. Edinburgh, 10th April. Sir Robert Douglas.

Mr Johne Dowglas, portioner of Mekle Barras, for William Cowlie in Barras, and Androw Cowlie, there, either of them in 300 merks, to the effect foresaid. William and Andrew Cowlie.

Fol. 288, b.

Robert Falcouner of Ballandro for Mr James Sibbald, parson of Benholme, Patrik Muckart in Burnsyd of Benholme, Robert Cauldwell, servitor to the said surety, and James Neilsoun in Innerbervie, 500 merks each, also to the effect foresaid.—Mr Johne Dempstar, advocate, registers the band, written by Robert Cauldwell, and subscribed at Ballandrow, 5th April, before Androw Rait, Androw (? Archibald) Chope (Choip), burgesses of Inuerbervie, William Lundy in Knox, Alexander Falconer, son of the said surety, and James Simsoun, notary public. Mr James Sibbald and others.

Robert Grhame, apparent of Leuchland, for Mr Johne Dowglas, portioner of Barras, 1000 merks, also to the effect foresaid. Edinburgh, 11th April. Mr John Douglas.

Fol. 289, a.

Mr Johne Dowglas, portioner of Barras, for Roger Lindsay in Barras, and Johne Thomesoun and Richard Spark there, under the pains in the King's letters, also to the effect foresaid. Roger Lindsay and others.

William Menteith in Leith for Alexander Menteith, son of Sir William Menteith of Kers, Patrik and Robert Henrysones, his servants, to buy from Sir Micchell Balfour, or Jamesoun, his factor, such arms as they ought to buy, each under the pain of £50 for each stand. Alexander Monteith and others.

Robert Home in Aytoun, Johne Home in Kello, and James Home in Chirnesydemains, for William Bruntfeild in Kello, David Dalgleische there, Androw Tunno in Fischweik, Thomas Trotter in Upsitlingtoun, Johne Broun in Chirnesyd, Patrik Home, called Pait the Laird, Robert Home in Hietoun, Johne Trotter in Upsitlingtoun, both parties as principals and sureties, not to harm Johne Home of Blacader or Johne Home, his son and apparent heir, under certain penalties, viz., Johne Home in Kello, 1000 merks, Robert Home in Aytoun and Robert Home in Hiettoun, either in £500, James Home in Chirnesyd- Robert Home and others.

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mains, 500 merks, Andrew Tunno in 100 merks, and each of the other principals in 300 merks. Acta Cant. 1601-1605.

Henry Stirling. Patrik Stirling, servitor to James, Lord of Balmerinoch, for Henry Stirling of Ardoch, to buy from Sir Micchell Balfour, or Jamesoun, the legal quantity of arms, under pain of £100 for each stand.

Edinburgh, 12th April. Gilbert Keith and others. Robert Lundy of Limgair for Gilbert Keith in Blakhillis, Adame Young in Muretoun, and Johne Young in Benholme, 1000 merks each, not to harm Sir Robert Dowglas of Glenbervie, Robert Lundy, Roger Lindsay in Barras, James Stevinsoun in the Hill of Morphie, Richard Grhame in Over Craigie, or Alexander Craigie in Willeisgrene. Fol. 290, a.

John Lundy and others. Robert M°Ghie, servitor to Sir William Grhame of Braco, for Johne Lundy in Arbirny, James Lundy, his brother, and Robert Grhame, son of the Goodman of Leuchland, 500 merks each, to answer upon 18th instant for their alleged bearing of hagbuts and pistolets and commiting of certain acts of oppression on said Gilbert Keyth, Adame and Johne Youngis.

Gilbert Keith and others. Robert Keith of Benholme for Gilbert Keith in Blakhillis, Adame Young in Muretoun, Johne Young, his son, in Benholme, Johne Andersoun there, and Paull Young in Stane of Benholme, 1000 merks each, not to harm Johne Lundy, son of the late Androw Lundy, sometime in Knokie, William Lundy in Knox, Robert Lundy in Greneleyis, Androw Lundy in Over Knox, George Lundie, servitor to the Lady Angus, James Lundy at the Mill of Morphie, Sir Robert Grahame of Morphie, James Grhame of Leuchland, Robert and Hary Grhames, his sons, Robert Lundy in Limgair, James Neilsoun in Bervie, David Androw at the Kirk of Benholme, Robert Falcouner of Ballandrow, Alexander Hislope in Petwachie, Johne Thomesoun, servitor to the Laird of Glenbervie, Richard Spark in Drumlethie, Robert Grhame of Fairnyflet, Mr Johne Dowglas of Barras, Alexander Gairdin of Burrowfeild, or Gairdin, his son.—Mr Thomas Hoipe, advocate, registers the band, writtin by George Clerk, notary public in Aberdene, and subscribed there, 2nd April, before William Keith, servant to the said Robert Keith, James Keith and Johne Smyth, also his servants, and the said writer hereof. Fol. 290, b.

Edinburgh, 13th April. Alexander Stewart. Peter M°Dowall, fiar of Machrymoir, for Alexander Stewart of Garleis, 1000 merks, not to reset or intercommune with Alexander Ahannay of Sorbie, Johne Ahannay, younger of Sorbie, Robert Ahannay, son of the said Alexander, or Patrik Ahannay of Kilfillane, put to the horn at the instance of Symone M°Crystie of Clonsche, for not finding lawburrows for his indemnity,—the said Patrik Ahannay being also denounced rebel for not paying to the said Symone certain sums specified in the decree arbitral pronounced between him and the said Patrik.—Cornelius Tennent, advocate, registers the band, subscribed at Glassertoun, 10th April, before Alexander Stewart, Gilbert Adair, and Johne Diksoun, servitors to the said Laird of Garleis, and Johnne Turner, notary, writer hereof. Fol. 291, a.

Alexander Cunningham. William M°Kie of Mertoun for Alexander Cunynghame of Powtoun, 500 merks, to the effect foresaid.—Cornelius Tennent, advocate, registers the band, subscribed at Wigtoun, 9th April, before Mr James Adamesoun, Fol. 291, b.

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minister at Pennynghame, writer hereof, Mr Mathow Reid, minister at Kirkynner, Patrik M°Kie, burgess of Wigtoun.

William M°Kie of Mertoun for Gawin Dumbar of Bandoun, 500 merks, also to the effect foresaid.—Mr Lawrence M°Gill, advocate, registers the band, which is dated as above, and witnessed by the said two ministers, Reid and Adamesoun, Archibald Tailyefeir, bailie of Wigtoun, and Alexander Cunynghame of Powtoun. Gavin Dunbar.

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Alexander M°Dowall of Correoch for Alexander Stewart of Clarie, 500 merks, also to the effect foresaid.—Tennent registers the band, subscribed at Monygoif, 12th April, before Androw Agnew of Lochnaw, sheriff of Wigtoun, Patrik M°Kie of Larg, Androw Meinzeis, vicar of Monygoif, and Mr James Adamesoun, minister at Pennynghame, writer hereof. Edinburgh, 15th April. Alexander Stewart.

Fol. 292, b.

Johne Ahannay of Kirkdaill for Alexander Ahannay of Sorbie, 1000 merks, and for Johne Ahannay, younger of Sorbie, and Robert Ahannay, sons of the said Alexander, 500 merks each, not to harm Symone M°Crystie of Munkhill and Clonsche.—Tennent registers the band, written by Johne Turner, notary, and subscribed at Wigtoun, 10th April, before Johne Ahannay, merchant, burgess in Wigtoun, Johne Ahannay in Saint Johne's Clauchane, the said writer hereof, and Patrik Edzer, burgess there. Alexander Hannay and his sons.

Fol. 293, a.

Gilbert Giffert of Gorme for James Blacader of Tulliallane, to buy from Sir Michaell Balfoure of Burley, or Alexander Jamesoun, his factor, three stands of horsemen's arms in case he ought to do the same, under pain of £100 for each stand. James Blackadder.

Alexander Mure of Coitland for George Murray of Brochtoun, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices abovewritten, during their rebellion, under the pains in the King's letters. George Murray.

Fol. 293, b.

Patrik Carkettle of Over Libertoun for William Sinclar of Blans, £1000, not to harm James Lamb, minister and vicar of Boltoun. Edinburgh, 16th April. William Sinclair.

David Sinclar of Maidland for Sir Johne Vaus of Longcastell (Barnebarroch), 1000 merks, not to reset or intercommune with Alexander Ahannay of Sorbie and his accomplices foresaid, during their rebellion.—Mr Alexander King, advocate, registers the band, written by Alexander Purvance, servitor to Michaell Cochrane, sheriff-clerk of Wigtoun, and subscribed at Wigtoun, 13th April, before Thomas Home, Johne Levingstoun, William Nisbit, servitors to the said Sir Johne, and Alexander Vaus, burgess of Edinburgh. Sir John Vause.

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Johne Kynneir, fiar of that Ilk, for James Hay of Fudie, 1000 merks, not to harm Androw Kynnaird, burgess of Dundie.—Mr Johne M°Gill, advocate, registers the band, written by Patrik Mows, notary, and subscribed at Cowpar, 6th April, before David Kynneir in Sanctandrois, William Wilsoun, merchant, burgess of Cowpar, and writer hereof. James Hay.

James Abercrumby, fiar of Kersie (Corssy), for Johne Cunynghame of Drumquhassill, and Margaret Elphingstoun, his mother, either of them in 5000 merks, not to harm James Cunynghame of Glengarnok. Edinburgh, 19th April. John Cunningham and his mother.

Edinburgh, 20th April. Mr Robert Howie.

Alexander Melvill, brother of the Laird of Carnebie, for Mr Robert Howy, 1000 merks, not to repair within eight miles of the burgh of Dundie without the Council's licence. Acta Caut. 1601-1605. Fol. 294, b.

Edinburgh, 22nd April. James Chisholm.

Androw Duncane, servitor to James Chisholme of Cromlix, for the said James, to buy such quantity of arms from Sir Micchell Balfour of Burley as he ought to buy, under pain of £100 for each stand.

Martin Jackson.

Thomas Mow, merchant, burgess of Edinburgh, for Martene Jaksoun, burgess of Drumfreis, 500 merks, not to harm Alexander Blaik, burgess there.

Edinburgh, 23rd April. William Maxwell.

Robert Glendonnyng of Piltoun for William Maxwell, brother of the Lord Herreis, 3000 merks, to desist from all melling with the lands and fortalices of Newbie till it be decided to whom the same belong, conform to a decree of the Secret Council.

Martin Jackson.

Thomas Mow, merchant, burgess of Edinburgh, for Martene Jaksoun, merchant, burgess of Drumfreis, 300 merks, not to harm Alexander Blaik, burgess of Drumfreis, Johne Blaik, his son, notary there, Robert Cowpar, mason there, Johne Blaiklock, tailor there, or Johne Ahannay and Johne Maxwell, messengers there. Fol. 295, a.

Patrick Drummond.

Patrik Moreis, merchant, burgess of Edinburgh, for Patrik Drummond of Currywauchtour, to buy from Sir Micheall Balfour, or Johne Jamesoun, his factor, such quantity of arms as he ought to buy, under pain of £100 for each stand.

Edinburgh, 24th April. Mr John Ross.

Mr Walter Ros of Little Allane for Mr Johne Ros, parson of Logy, 5000 merks, not to harm Johne Corbett, portioner of Arkboll.—Mr Johne M°Gill, advocate, registers the band, which is subscribed at Little Allane on 16th April. Fol. 295, b.

Edinburgh, 26th April. Earl of Atholl.

Sir Robert Crychtoun of Cluny for James, Earl of Athoill, 5000 merks, not to harm Lawrence Banerman in over Cairnyis, or Androw Banerman, his brother.

John Bruce and his sons.

James Bruce of Powfoullis for Johne Bruce of Auchinbowy, and Alexander Bruce and William Bruce, his sons, £500 each, not to harm Johne Watt, sometime in Auchinbowy.

Edinburgh, 27th April. Sir James Scott.

Archibald Herring, apparent of Drummie, for Sir James Scott of Abbottishall, 2000 merks, not to harm Mr George Boiswell, or James and David Boiswellis, brothers of Sir Johne Boiswell of Balmowto. Fol. 296, a.

Mr George Boswell and his brothers.

Sir Walter Dundas of that Ilk, George Seytoun of Parbroith, and Patrik Greif, burgess of Bruntiland, for Mr George, James, and David, brothers of the said Sir Johne Boiswell, 1000 merks each, not to harm the said Sir James Scott.

Jerome Paintland and Robert Sinclair.

George Seytoun of Parbroith for Jerhome Paintland, lieutenant, £500, not to harm Robert Sinclar, "ensenzie" to Captain Lawrence Sinkler, while he remains in Scotland; also for the said Robert Sinclar, not to harm the said lieutenant. Fol. 296, b.

Uthreid MacDowall.

Johne Kennedy of Balneill for Uthreid M°Dowall in Kilstey, 1000 merks, not to harm James Twedy in Culmoir, or pasture his goods within the marches of Culmoir, or cut or delve any land therein.—Mr Alexander

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Cumyng, advocate, registers the band, written by William Gairdnar, notary, and subscribed at Stronraver, 24th April, before William Young and Gilbert Mure, burgesses of Stronraver, David Kennedy in Glenchapill, and said writer hereof.

John Cochrane and John Dugan.

Uthrid McDowall in Kilstey for Johne Cochrane, "walker at the walkmylne" of Clauchschauch, and Johne Dugan, miller at the corn mill thereof, 500 merks each, to the effect foresaid.—Band, registered, written, and dated as above, is witnessed by Johne Kennedy of Balneill, William Young and Gilbert Mure, merchants, burgesses of Stronraver,

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and Niniane Kumblok there,—William Gairdnar subscribing for the surety and principals.

Edinburgh, 2nd May. Alexander Black and others.

James Maxwell of Bagreddane for Alexander Blaik, burgess of Drumfreis, Johnne Blaik, messenger, his son, and Johnne Blaiklok, tailor, son-in-law to the said Alexander, 300 merks each, not to harm Martene Jaksoun, burgess there.—Johnne Haliday, advocate, registers the band, written by Harbert Cunynghame, notary, and subscribed at Drumfreis, 29th April, before Andro Cunynghame, burgess of Drumfreis, Johne Ahannay, messenger there, George Cunynghame, writer, and Johne Smyth in

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Ferdingunshe,—the said writer hereof, and Robert Maxwell, notary, subscribing for Alexander Blaik and Johne Blaiklok.

John Heriot and others.

William Dalgleisch, merchant, burgess of Edinburgh, for Johne Herreot, burgess there, £100, and the said Johne for James Robertsoun and David Home, his servants, 100 merks each, not to harm Peter Hewatt, writer in Edinburgh.

George Haliburton.

Robert Hepburne of Over Haillis, and Johne Touris, brother of Sir George Touris of Gairnetoun, for George Halyburtoun, portioner of Dirltoun, £100, not to harm Robert Haswele, servitor of Helene Heriot, relict of George Home, portioner of Gulane, or Thomas Duncane in

Fol. 298, b.

Dirltoun; also not to harm dame Dorathie Stewart, Countess of Goury, her men, tenants, and servants, under the pain of £200.

Edinburgh, 9th May. Alexander Cairns.

George Murray of Brochtoun for Alexander Cairnis, son of the late Johne Cairnis of Cultis, not to harm Sir Johne Vaus of Barnebarroch, under the pains specified in the King's letters.

Edinburgh, 11th May. Robert Bell.

Edward Edzair, merchant, burgess of Edinburgh, for Robert Bell, burgess of Kirkcubrycht, 500 merks, not to harm William Hair, burgess of the

Fol. 299, a.

said burgh.

Alexander Watson.

Thomas Watsoun, burgess of Abirdene, for Alexander Watsoun, messenger there, 500 merks, not to harm Andro Moir, baxter there, conform to the King's letters dated 18th April last.—Mr Johnne Johnnstoun, advocate, registers the band, subscribed at Abirdene, 2nd May, before

Fol. 299, b.

Abacuth Bissett, writer hereof, Archibald Boyde, merchant, and James Liddell, cooper, burgesses there.

Edinburgh, 13th May. James Richardson and others.

George Hay of Monktoun for James Richartsoun, elder of Smetoun, 2000 merks, James Richartsoun, younger, his son, fiar thereof, £1000, and James Gourlaw, their collier, in Newbigging, 100 merks, not to harm Johnne Achesoun in Inueresk.—Mr Thomas Houp, advocate, registers the

band, written by Alexander Wylie, servitor to James Prymrois, Clerk of Council, and subscribed at Henresk, 11th May, before James Levingtoun, Robert Richart, and James Harvie. Acta Caut. 1601–1605.

Edinburgh, 14th May. Robert Douglas. Gilbert Cranston.

James Abercrumby, fiar of Kersy, for Robert Dowglas of Drumgarland, £1000, not to harm David, Lord of Scone. Fol. 300, a.

Alexander Hepburne, cordiner, burgess of Edinburgh, for Gilbert Cranstoun, called of Corsbie, 500 merks, to answer on 18th July next for his alleged waylaying and pursuing Mr William Leslie of Civilie in the Cannogait for his slaughter, and wounding him in his head and hand.

Edinburgh, 15th May. Elliot of the Stobs and the Sheriff of Roxburgh.

Gawin Ellott of the Stobbis consigns in the hands of James Prymrois, Clerk of Secret Council, £5 for his lands of Newbigging, 40s. for his two merkland of Yairilsyd, for the taxation granted for the Prince's baptism, —£5 for his said lands of Newbigging and 40s. for his said lands of Yairilsyde, for the taxation for his Majesty's marriage,—£4 for his three merkland of Stobis, £6, 13s. 4d. for his five merkland of Newbigging, £6, 13s. 4d. for his five merkland of Cawling, £4 for his three merklands of Blaikburne, 53s. 4d. for his lands of Yairilsyde, for the taxation of 200,000 merks,—40s. for his lands of Stobis, £3, 6s. 8d. for his lands of Newbigging, £3, 6s. 8d. for his lands of Cawling, 40s. for his lands of Blaikburne, and 26s. 8d. for his lands of Yairilsyde, for the late taxation of 100,000 merks: to be delivered to James Dowglas, fiar of Caveris, sheriff of Roxburgh, for his relief of the taxations abovewritten, in case it be found that he ought to do the same. Fol. 300, b.

Edinburgh, 16th May. John Home.

Sir George Home of Wedderburne for Johne Home, son of Johne Home, elder of Blacader, 1000 merks, to answer on 30th instant to a complaint of Johne Malloch touching his reiving of certain corns furth of the barnyard of Duns in January 1598.

Oliver Edgar.

Robert Edzer of Wodderlie for Oliver Edzer, his brother, 500 merks, not to harm Jeane Flemyng, Lady Cassillis.

Andrew Wardlaw and his son.

Andrew Wardlaw, elder of Torrie, as principal, and Sir James Scott of Abbotishall, as surety, and both for Andrew Wardlaw, younger of Torrie, either of the said principals in £3000, not to harm Patrik Halkett, brother of Sir Robert Halkett of Pitfirren. Fol. 301, a.

Edinburgh, 18th May. David Kelso.

Thomas Coupair, tailor, burgess of Edinburgh, for David Kelso, cutler there, £100, to answer upon 23rd instant for his alleged "umbeseting" and pursuing Alexander Pennycuke, sometime of that Ilk, on the "hie gait" of Edinburgh, and mutilating him in the right hand.

Edinburgh, 20th May. Alexander Dunbar.

Alexander Dumbar of Culboyak, as principal, and William Dumbar of Clune, his brother, as surety, £1000, not to harm William Cumyng of Ernesyd. Fol. 301, b.

Kenneth and John MacKenzie.

Johnne Grant of Frewchie (Laird of Grant) for Kenneth M^{c}Keinzie of Kintaill (Laird of M^{c}Keinzie), £2000, and Johnne M^{c}Keinzie of Quhytruif, £1000, not to harm Hew Falcouner of Innerlochtie.

Herbert Maxwell.

Johnne Newall, bailie of Drumfreis, for Harbert Maxwell, son of Edward Maxwell of Tinwald, 500 merks, not to harm Robert Maxwell, called of Bracoch.—Mr Robert Mar, advocate, registers the band, Fol. 302, a.

Acta Caut. 1601-1605.

written by Harbert Cunynghame, notary, and subscribed at Drumfreis, 2nd May, before Johnne Weir, messenger, Johne Johnstoun, merchant, James Cunynghame, son of Andro Cunynghame, burgess of Drumfreis, and George Cunynghame, writer,—Harbert Cunynghame and Robert Cunynghame, notaries, subscribing for the surety.

Edinburgh, 22nd May. Shaw of Glenmure.

Johne Wallace for Monktounhall for George Schaw of Glenmure, 500 merks, not to harm William Cunynghame of Caprintoun.—Mr Johne Schairp, younger, advocate, registers the band, written by James Wallace, writer in Air, and subscribed there, 16th May, before Robert Schaw of Manholme, James Finla in Monktoun, George Angus, bailie clerk of Kyle Stewart, and the said writer hereof.

Fol. 302, b.

Nicolas Ros.

Mr Johnne Ros, parson of Logy, for Nicolas Ros of Pitcaleny, 5000 merks, not to harm Johnne Corbett, portioner of Arkboll.

Edinburgh, 25th May. John Brown.

Hew Broun, merchant, burgess of Edinburgh, for Johnne Broun, goldsmith, burgess there, £200, to answer when charged to the cause for which he had been warded in the tolbooth of Edinburgh at the instance of Edward Johnestoun, younger, burgess there.

Fol. 303, a.

David Pollok.

David Pollok in the Woltoun for David Pollok in Overlie, £500, not to harm Johnne Clyde in Hill.

Edward Maxwell.

Harbert Maxwell of Bruntskarth for Eduard Maxwell of Tynwald, 2000 merks, not to harm Robert Maxwell of Bracoch.

Herbert Maxwell.

Robert Maxwell of Dinwiddie for Harbert Maxwell of Bruntskarth, £500, not to harm Johne Ahannay, messenger.

Fol. 303, b.

Thomas Jardine and his sons.

William Carmichaell of the Maynis and Alexander Moffatt of Wodend for Thomas Jerdane, elder of Birnok, Umphra and Alexander Jerdanes, his sons, not to harm dame Margaret Scott, Lady Johnnestoun, under the pains in the King's letters; also to answer on 6th July next at the instance of Alexander Cunynghame of Tourlandis for invading an officer directed by him in the execution of certain letters raised by him against them; and, farther, to answer a complaint against them by William Campbell of Kelwod, touching their bearing hagbuts and pistolets.

David Gordon.

Roger Gordoun of Garvarie for David Gordoun in Garlarg, 1000 merks,

Fol. 304, a.

not to harm Patrik Herroun of Kerrochtrie or Johnne M^{c}Millane in Craigdowis.

Lord Lindsay.

David Kynneir of that Ilk for Johne, Lord Lindsay of the Byris, 4000 merks, not to harm Androw Wode of Largo, or his tenants of his barony of Largo, conform to the charge given to him by Andrew Corfute, messenger, dated at Edinburgh 18th May instant.—Mr Robert Leirmonth,

Fol. 304, b.

advocate, registers the band, written by David Patersoun, notary, and subscribed at Cowpar, 23rd May, before James Kynneir, son of the said David, Mr James Inglis, burgess there, Andrew Hecling (Echline), Mr William Kilgour, servitor to the said Lord, and said writer hereof.

Master of Lindsay.

David Kynneir of that Ilk for Robert, Master of Lindsay, £2000, to

Fol. 305, a.

the effect foresaid.—The band is registered, written, dated, and witnessed as above.

Edinburgh, 28th May.

William, Master of Murray of Tullibardin, for Thomas Murray in

Thomas Murray and others.

Kintocher, Johne Smetoun there, Johne Dun there, Johne Brachtie there, Finla Scherair in Abircairny, Alexander Nicoll there, and Johnne Gray in Quarter, 400 merks each, not to harm James, Commendator of Incheffray, Johne Drummond, son of the late Andro Drummond in Balliclone, Patrik Grahame of Inchebreky, David Drummond, tutor of Drummenerinoch, William Drummond, portioner of Belliclone, Johne Broun, burgess of Perth, tutors and curators of the said Johne, Margaret Campbell, relict of the said Andro, Alexander M^cGruder, now her spouse, William Drummond, younger of Belliclone, William Moreis there, Johne Loutfute or Hew Eilsoun (Neilsoun) there.—Mr Thomas Wilsoun, advocate, registers the band, written by Adam Oswald, notary public, and subscribed at , 25th May, before Johnne Vaus of Fornoch, Robert Murray, son and apparent heir of Andro Murray of Lacok, James Oswald in Tullibardin, and said writer hereof. Acta Caut. 1601–1605. Fol. 305, b.

Fergus MacMillan.

Donnald M^cMillane of Knokingurroch for Fergus M^cMillane in Holme, not to harm Margaret Arthour, relict of William Aitkin of Dowell, under the pains in the King's letters.

John Forbes.

Arthour, Master of Forbes, for Johnne Forbes of Brux, 500 merks, not to slay salmon fish in forbidden time upon the waters of Die or Don with net, spear, creel, wand, pock, "herry watter," or ony other kind of engine.—Mr Robert Lyntoun, advocate, registers the band, written by Alexander Middletoun, notary public, and subscribed at Aberdene, 20th May, before Alexander Lumsdane of Cluva, Johnne Forbes and Patrik Forbes, servitors to the said Master, and the said writer hereof. Fol. 306, a.

Edinburgh, 29th May. John Padzean and others.

William Crychtoun in Auchintagart, tutor of Carco, for Johnne Crychtoun, notary in Sanquhar, and both for Thomas, Johne, and Alexander Padyeanes, brothers of Roger Padyeane of Newtoun, 500 merks each, not to harm the said Roger.

Edinburgh, 30th May. Kerr of Hieton.

Gawin Ellott of the Stobis for Sir Andrew Ker of Hietoun (Grenheid), 1000 merks, not to hunt within the Fells of Cheviott and places thereabout, contrary to the tenor of the proclamation made in that matter. Fol. 306, b.

Robert Scott and Gavin Elliot.

Robert Scott of Hanyng for Gawin Ellott of the Stobbis, *et vice versa*, either of them in 1000 merks, to the effect foresaid.

Edinburgh, 1st June. David Strang.

Robert Strang, burgess of Pettinweme, for David Strang, burgess there, 500 merks, to answer on 4th July next to a complaint against him by the provost, bailies, and council of the said burgh, for his breaking ward furth of their tolbooth in April 1601.

William Forbes.

Patrik Forbes in Carneday for William Forbes of Corsinda, to pay to George, Marquis of Huntley, £18, 10s. for his part of his relief of the late taxation of 100,000 merks for his lands of Kintocher, in case it be found that he ought to do the same. Fol. 307, a.

Andrew Wood, elder and younger.

Johne Lundy of that Ilk for Androw Wode, elder of Largo, £2000, and for Androw Wode younger, his son and apparent heir, 2000 merks, not to harm Johne, Lord Lindsay of the Byres, or Robert, Master of Lindsay, his brother, conform to the charge given to them upon 30th May last by David Gairdner, Ormond pursuivant.—Mr Thomas Houpe, advocate,

Acta Cant. 1601–1605. Fol. 307, b.

registers the band, written by Mr Thomas Wode, notary, and subscribed at Lundy, 31st May, before Paull Lundy, father-brother of the said Johne, James Lundy, "my servand," William Bruce of Erlishall, Andro Wode of Strauchie, Johnne Wode, son of the Laird of Largo, and said writer hereof.

Walter Murray of Cassoquhy for James Murray, brother of the Laird of Abercairny, £500, for Thomas Gray in Kintocher, James Dyn there, and James Patersoun in Over Abircairny, 500 merks each, not to harm James, Commendator of Inchechaffray, and his colleagues foresaid (*ante*, p. 600), or Robert Ramsay, Thomas Parny, and Johnne Woddell. Edinburgh, 4th June. James Murray and others.

Fol. 308, a.

Walter Scott of Gouldielandis for James Dowglas of Caveris, sheriff of Roxburgh, and James Gledstanes of Coklaw for the said Walter, either of them in 1000 merks, not to hunt after the date hereof within the Fells of Cheviott and parts thereabout. James Douglas and Walter Scott.

Josias Stewart of Bonytoun for Johnne Schaw in Furdhouse, 500 merks, to answer upon 20th June instant to a complaint against him by George, Lord of Beruik, and Sir Thomas Hammiltoun of Monkland, touching his "umbeseting of the hie way and passage" of dame Jeane Flemyng, Countess of Cassillis, and certain others in company with her, between the Inch of Galloway and Maybole, and pursuing them for their lives till they were compelled for safety to take refuge in the place of Auchinsoull, and touching divers other oppressions. Edinburgh, 5th June. John Shaw.

Fol. 308, b.

James Scott of Gemilscleuch for Robert Scott of Thirlestane, 1000 merks, not to hunt within the Fells of Cheviott and parts thereabout; also to pay to James, Commendator of Melros, £80, 13s. 4d. for his relief of said Robert's part of the taxation of 200,000 merks for his lands of Thirlestane, Ettrikhous, Schorthoipkirk, Stabcleuch, the Craig, and Ravinscleuchis; also to pay £27, 6s. 8d., to Ludovick, Duke of Lennox, and Johne, Earl of Mar, collectors of the taxation of 100,000 merks, for his part of the said taxation for his lands of Barhoip, Eccreif, and Corscleuch, in case it be found that he ought to do the same; farther, to present William Scott, called of Hundilshoip, Thomas Scott, his brother, James Scott, called James 'Afhand,' Walter Scott, brother of the said Robert, and Mr Arthour Scott of Gemmilscleuch, alleged to be his men, before the Lords of Secret Council upon 27th instant, to answer to a complaint against them by Adame Veitche in Fechen touching their breaking of the doors of his house, destroying his whole timber work therein, and committing other acts of oppression, under the pain of 500 merks. Edinburgh, 6th June. Robert Scott of Thirlstane.

James Leslie, son of David Leslie of Otterstoun, as principal, and Henry Philp of Ormestoun, and Mr Johne Cauldcleuch, minister at Eptie, as sureties, 3000 merks, not to harm Mr James Aytoun, servitor to James, Master of Rothes. James Leslie.

Fol. 309, a.

James Twedy of Drummelyeir for Sir Johne Murray of Ettilstoun (Blakbarony), 3000 merks, and Sir Archibald Murray of Dernhall, 2000 merks, not to harm Androw Veitche, portioner of Stewartoun, or James Veitche, his brother, there. Edinburgh, 8th June Sir John and Sir Archibald Murray.

Robert Scott of Thirlestane.

William Scott of Finglen for Robert Scott of Thirlestane, to pay to James, Commendator of Melrose, £40 for his relief of his part of the taxation of £100,000 granted for the King's marriage, for his lands of Thirlestane, Ravinsclewis, Stabclewis, Kirkhoip, Schorthoip, and the New Kirk of Ettrik, in case it be found that he ought to do the same. Acta Caut. 1601–1605.

David Ross of Meikle Allan.

Mr Johnne Ros, provost of the burgh of Invernes, for David Ros of Mekle Allan, 1000 merks, not to harm Alexander Vaus, merchant, burgess of Edinburgh.—Mr Oliver Colt, advocate, registers the band, written by Alexander Duff, notary public, common clerk of Inuernes, and subscribed there, 27th May, before Henry Vaus, son of the late Robert Vaus, sometime burgess of Inuernes, James Vaus, burgess of Inuernes, Bean Malcomesoun, son of Malcome Beane in Dulcrombie, and said writer hereof. Fol. 309, b.

Edinburgh, 10th June. Hew Falconer.

George Cumyng, burgess of Elgyne, for Hew Falcouner in Innerlochtie, £1000, not to harm Kenneth M°Keinzie of Kintaill or Johne M°Keinzie of Quhytruiff. Fol. 310, a.

Mr William Gordon of Abergeldie.

Alexander Mowtray, citizen of Old Aberdene, for Mr William Gordoun of Abiryeldy, 300 merks, to enter Johnne Donnald, Findlay Dow, and Patrik Ewne in Stradie, alleged to be his men, before the Council upon 11th July next to answer to a complaint against them by James Fentoun of Ogill, and William Johnestoun in Craigmonth of Ogill, his tenant, for coming to his house in Craigmonth of Ogill, breaking up the doors thereof, and spuilying of certain goods; also to pay to the Treasurer £20 for his escheat goods which fell by the horning used against him for the non-entry of the persons abovewritten.

Edinburgh, 12th June. Hew and George Campbell.

Hew Campbell of Richertoun for Hew Campbell of Bogturroch, and George Campbell in Lynmark, his brother, not to harm William Cunynghame of Capringtoun, under the pains in the King's letters; also that the Laird of Bogturroch shall not reset or intercommune with Patrik Hervie at the Kirk of Cumnok while he lies at the horn, to which he had been put at the instance of Cunynghame for not flitting and removing from certain houses at the Kirk of Cumnok. Fol. 310, b.

Patrick Grant.

Lauchlane Grant of Wester Elchis for Patrik Grant, apparent of Carne (Layne), 1000 merks, not to harm William Hay of Mayne, conform to the King's letters dated at Edinburgh 13th May last.—Mr Thomas Mawer, advocate, registers the band, written by Mr Alexander Gordoun in Aberlour, notary, and subscribed at Aberlour Kirk, 8th June, before Robert Leslie of Rudderie, Alexander Leslie, apparent of Rutherie, James Grant, servitor to the said Patrik, and the said writer hereof. Fol. 311, a.

John Grant.

Patrik Grant of Ballindalloch for Johne Grant of Carne, 1000 merks, to the effect foresaid.—The band, registered and written as above, is subscribed at Ballindalloch and Carne, 7th June, before Patrik Grant, apparent of Carne, Thomas Grant, servitor to said Lauchlane, said writer hereof, George Gordoun and Thomas Grant, servitors to the said Patrik. Fol. 311, b.

George Meldrum and his spouse.

Alexander Meldrum, eldest son of George Meldrum, sometime of Fyvie, for George Meldrum of the Newmylne of Auchterles, and Elizabeth Hay,

Acta Caut. 1601–1605. Fol. 312, a.

his spouse, £500, not to harm Androw Meldrum of Foulsie.—Mr Alexander Cumyng, advocate, registers the band, written by Thomas Bruce, notary, and subscribed at Towy and Auchterles, 30th May, before Sir Patrik Barclay of Towy, Johne Meldrum, son of the late Thomas Meldrum of Overbray, Johne Gairdin, Androw Davidsoun in Smallburne, and the said writer hereof,—Bruce subscribing for Elizabeth Hay.

Edinburgh, 14th June. George Munro and others.

Mr Johne Monro of Ferne for George Monro of Tarrell, and said George for Robert Monro, vicar of Urquhart, Androw Monro, tutor of Foullis, Hector Monro at the Mill of Kaitwell, George Murray of Culrossie, and Androw Monro of Newmoir, 1000 merks each, not to harm Johne Boyd, son of Archibald Boyd, advocate, or the said Archibald, as tutor to him.

Fol. 312, b.

Walter Scott.

George Scott, bailie of Hawik, for Walter Scott in the Dykis, 500 merks, to answer before the Secret Council upon 4th July next to a complaint against him by Patrik Storie in Roullspittell, for coming to the lands called the Medow and outcasting of his plough furth thereof, and other acts of oppression.

Robert Ross.

James Ros of the Nuke for Robert Ros, his brother, £200, to answer before the Council on 4th July next to a complaint against him by Thomas Hodge in Houstounmill, and James Hodge, his brother, touching his alleged pursuit and invasion of them.

Farquhar Munro.

Hector Monro of Assissin for Ferquhar Monro of Aldie, 1000 merks, not to harm the said Johne Boyd or his said father.—Mr Thomas Mawer, advocate, registers the band, written by Johne Forrest, notary, and subscribed at Tayne, 7th June, before Mr Johne Monro, minister at Tayne, Andro Fraser there, William Fraser, notary, and said writer hereof,

Fol. 313, a.

—the last two subscribing for Ferquhar.

Hector Munro.

Ferquhar Monro of Auldy for Hector Monro of Assissin, 1000 merks, not to harm the said Johne Boyd, especially in his alleged right of the Chaplainry of Alves.—Mawer registers the band, written by Robert Monro, son of the said Ferquhar, and subscribed at Tayne, 7th June, before William Monro of Mekle Clyne, Androw Fraser in Tayne, William Fraser and Johne Forrest, notaries public.

Fol. 313, b.

Edinburgh, 15th June. Laurence and John Oliphant.

Androw Rollok of Freok for Lawrence Oliphant, brother of Peter Oliphant of Turingis, and said Lawrence for Johne Oliphant, his brother, either of them in 500 merks, not to harm Johne Pitblado at the Mill of Melgund, Patrik Pitblado, his son, or Peter Pitblado, his brother.

James Mure.

Petir Thomesoun in Eglischinauchane for James Mure, servitor to Johne Levingstoun of Baddarrow, 500 merks, to answer when charged for his alleged pursuing of Hodge in Houstoun-mill.

Edinburgh, 17th June. William Cumming.

Patrik Gibsoun of Schirefmill for William Cumyng, fiar of Ernesyde, £1000, not to harm Alexander Dumbar of Culboyak, conform to the King's letters dated at Edinburgh 20th May last.—Mr Alexander Cumyng, advocate, registers the band, written by George Annand, notary public, burgess of Elgyne, and subscribed there, 11th June, before James Rutherfurd, burgess of Elgyne, Alexander Gadderar, notary public, burgess there,

Fol. 314, a.

Androw Innes, servitor to said George Annand, Johne Lyn, servitor to said William Cumyng, and said writer hereof. Acta Caut. 1601-1605.

Edinburgh, 18th June. John Livingstone.

Sir Robert Dalzell of Eliok for Johne Levingstoun of Belstane, 3000 merks, not to harm James Foullis, elder of Colintoun, or Mr James Foullis, his son and apparent heir.

Bishop of Brechin.

Mr Dougall Campbell, dean of Brechin, for Alexander, Bishop of Brechin, £1000, not to harm Thomas Collace of Pitforky.—Mr Oliver Colt, advocate, registers the band, written by Johne Nory, notary in Brechin, and subscribed at Fendewrycht, 14th June, before James Schewane (Chewane), chancellor of Brechin, Mr Dougall Campbell, son of Johne Campbell of Arkinglas, Robert Campbell, captain of Dununc, and said writer hereof. Fol. 314, b.

Andrew Moncur.

James Skrymgeour of Fairdle for Androw Moncur, portioner of Balmaw, 1000 merks, not to harm Johne Andersoun at the Mill of Newtyle.—Mr Robert Narne, advocate, registers the band, subscribed at Dundie, 15th June, and written by William Gray, notary, before Johne Drumond of Blair and James Skrymgeour. Fol. 315, a.

Edinburgh, 21st June. Patrick Storie.

Sir George Home of Manderstoun for Patrik Storie, servitor to Sir Alexander Home, father of the said Sir George, 500 merks, not to harm James Home of East Quarter.

Robert Falconer and Mr James Sibbald.

George Barclay of Matheris for Robert Falconer of Balandrow, 1000 merks, and Mr James Sibbald, parson of Benholme, 500 merks, not to harm Alexander Young in Muretoun.—Mr Umphra Blinsele, advocate, registers the band, written by James Neilsoun, notary in Innerbervie, and subscribed at Matheris, 18th June, before James Ogilvy in Matheris, David Ogilvy, his son, Patrik Gray at the Mill of Benholme, Robert Cauldwall in Ballandro, the said writer hereof, and Mr J. Sibbald. Fol. 315, b.

William Ramsay and John Knox.

Mr James Home, parson of Hiltoun, for William Ramsay, son-in-law of James Home in East Quarter of Swintoun, and Johne Knox, servitor to the said James, either of them in 200 merks, to answer to a complaint against them by Patrik Storie in the Newtoun of Quhitsum, touching their pursuit of him for his slaughter.

Edinburgh, 22nd June. Harry Leslie.

James Leslie, son of David Leslie of Otterstoun, for Hary Leslie, brother of said David, 2000 merks, not to harm Mr James Aytoun, servitor to James, Master of Rothes. Fol. 316, a.

Edinburgh, 24th June. Lady Lindsay.

Robert Lundy of Balgony for dame Ewphame Leslie, Lady Lindsay, £1000, not to harm Androw Wode of Largo.—Mr Robert Mar, advocate, registers the band, written by Mr William Kilgour, servitor to Johne, Lord Lindsay of the Byres, and subscribed at Cowper, 21st June, before Patrik Glasfurd, notary public, burgess of Cowper, Androw Glasfurd, his son, notary, Androw Echlyne, and said Mr William Kilgour. Fol. 316, b.

Edinburgh, 25th June. William Forbes.

Arthour, Master of Forbes, for Williame Forbes of Corsindae, £1000, not to molest or pursue Sir Johne Wischart of Pittarro, or take part in the feud between him and Sir David Lindsay of Edzell.

Edinburgh, 26th June.

Williame Forbes, elder of Monymusk, for Sir Robert Dowglas of Glenbervie, *et vice versa*, either of them in £2000, not to molest or pursue Sir

Acta Caut. 1601–1605. Fol. 317, a.

David Lindsay of Edzell or take part in the feud between him and Sir Johne Wischart. Sir Robert Douglas.

Mr Johne Dowglas, portioner of Barras, for William Forbes, younger of Monymusk, 1000 merks, to the effect foresaid. William Forbes.

Sir James Stewart of Balleachan for David, Master of Craufurd, 3000 merks, not to molest or pursue Sir Johne Wischart or take part in the said feud. The Master of Crawford.

Walter Wode of Fettircarne for William Strauchane of Glenkindy, 500 merks, not to slay any salmon fish in the waters of Dee or Don, "granes and branches thaireof," with coble, net, spear, pock, "hery watter," or any other kind of engine, conform to the letters executed against him at the instance of the provost and bailies of Aberdene. William Strachan

Fol. 317, b.

William Strauchane of Glenkindy for Walter Wode of Fettircairne (Balbeginoch), £2000, not to harm Sir Johne Wischart or take part in his feud with Sir David Lindsay. Walter Wood.

George Wischart, fiar of Drymmie, for Alexander and George Wischartis, brothers of Sir Johne Wischart of Pittarro, and Mr James Wischart, son of the said Sir Johne, £500 each, not to harm Sir David Lindsay or take part in his feud with the said Sir Johne. Alexander Wishart and others.

Fol. 318, a.

George Wischart, fiar of Drymmie, for Johne Dowglas of Tulliquhillie, 1000 merks, to the effect foresaid. John Douglas.

Sir Micchell Balfour of Balgarvie (Burghley) for Alexander, Lord of Spynie, 5000 merks, not to harm Sir Johne Wischart or take part in his feud with Sir David Lindsay. Lord Spynie.

David Broun, merchant, burgess of Edinburgh, for Mistress Elizabeth Home, spouse of Mr James Home of Ecclis, to pay to Robert Hepburne, Lieutenant of the King's Guard, and such of his company as were directed by him for keeping the corns and other escheat goods belonging to her said husband, and also to the late William Home of Bellitaw, William Home, elder of Bassindane, and Mr William Home of Graden, the sum of £240 for their charges and expenses sustained by them in taking care of the said goods, in case it be found that she ought to do the same. Mistress Elizabeth Home.

Fol. 318, b.

Andro Home, apparent of Nynewellis, for James Small in Dernechester, 300 merks, not to harm William Robsoun there. Edinburgh, 28th June. James Small.

Acta Caution. 1605–1607. Fol. 1, a.

Hew Kennedy of Donenen for Josias Stewart of Bonnytoun, 500 merks, to put Margaret Chalmer, Lady Trochrig, to liberty furth of his company, and to pay to the Treasurer £10 for his escheat or else obtain himself relaxed from the horning under which he lies. Edinburgh, 1st July. Josias Stewart.

Roger Gordoun of Glasnik for Robert Gordoun of Barnerny, £1000, not to harm Jonet Kennedy, relict of Adame Boyd of Pinkhill. Robert Gordon.

Jespert Home of Lafeild for William Leirmonth of the Hill, and William Leirmonth, his son and apparent heir, either of them in £1000, not to harm Johnne Hog of Drylawis. Edinburgh, 2nd July. Learmonth and son.

Fol. 1, b.

Sir Johne Wischart of Pitarro for Alexander Gordoun of Cluny, £2000, for Johne Erskene of Pittodry, £1000, and for William Murray of Cowbairdy, younger, 1000 merks, not to harm Sir David Lindsay of Edzell.—Mr Gordon of Cluny and others.

Lawrence M°Gill, advocate, registers the band, written by Johne Ambrois and subscribed at Blaknes, 29th June, before Johne Wischart, apparent of Pittarro, Mr James Wischart, his brother, Robert Collace, servitor to the said Sir Johne Wischart,—James Cunynghame, notary public, subscribing for Alexander Gordoun of Cluny and Johne Erskene of Pittodrie "in respect of the mutilatioun of our rycht handis." Acta Cant. 1605–1607. Fol. 2, a.

Edinburgh, 4th July. Margaret Dishington.

James Dischingtoun, saddler, burgess of Edinburgh, for Margaret Dischingtoun, Lady Langhirdmestoun, to pay to Mr David Guthrie, chamberlain of Arbroith, £26, 13s. 4d. for his relief of her part of the taxation of 100,000 merks granted to his Majesty in February 1601, in case it be found that she ought to do the same.

Thomas Collace.

Thomas Collace of Pitforkie, as principal, and James Lyoun of Easter Ogill, as surety, £1000, not to harm George Campbell of Crunan.

Walter Scott.

Robert Scot of Thirlestane for Walter Scot of Dykis, 500 merks, not to harm Patrik Storie in Rowll Spittell. Fol. 2, b.

William MacDowall.

Petir M°Dowell, fiar of Macrymoir, for William M°Dowell in Barchoische, not to harm Patrik Stewart of Dallasche, under the pains specified in the letters of horning executed against him.

Edinburgh, 5th July. Wood of Largo and his son.

William Sandielandis of St Monandis for Andro Wode of Largo, £1000, and for Andro Wode, his son and apparent heir, 1000 merks, not to harm Ewphame Leslie, Lady Lindsay, conform to the charge given to them, dated at Edinburgh 25th June 1605, by David Gairdner, Ormond pursuivant, upon 1st July last.—Mr Thomas Houp, advocate, registers the band, written by Mr Thomas Wode, notary, and subscribed at Largo, 2nd July, before Johnne Sandielandis, servant to the said Laird of St Monandis, Johne Wode, son to the said Andro Wode of Largo, Robert Wode, brother of the said Andro, and Henry M°Kiesoun, servant to the said Andro. Fol. 3, a.

Alexander Dunbar.

William Dowglas of Erlismylne for Alexander Dumbar, son of the Goodman of Thornehill, 500 merks, to answer before the Council on 1st August next for his alleged invading and pursuing of James Dumbar, brother of the said Alexander, with hagbuts and pistolets, and to pay to the Treasurer £20 for his escheat, or else obtain himself relaxed from the process of horning.

Edinburgh, 6th July. Thomas Lyell.

Patrik Dudingstoun, portioner of Kincaple, for Thomas Lyell of Murthill, £1000, not to harm Symone Thornetoun, one of the ordinary officers of Edinburgh. Fol. 3, b.

Henry Finlayson and others.

Thomas Collace of Pitforkie for Henry Findlaysoun in Pitforkie, Johne Mitchell in Dyktoun, William Bonar there, William Baxter in Stanybrigis, Johne Simsoun in Craigend, Johne Fraser there, Johne Reid there, Hew Reid in Cowhill, Androw Clerk in Quhytsyde, Thomas Huntar there, William Henry there, Johne Huntar in Pethill, Johne Heuch there, Robert Hillok there, Johne Richart there, and David Reid there, 300 merks each, not to harm George Campbell of Crunane.

John Hog.

William Middlemass of Lillislie Chapel for Johne Hog in Lillislie, 200 merks, to answer before the Council on 25th instant to a complaint

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against him by George Douglas of South Prestoun for coming to the lands of Freirschaw and "yoking of plewis thairintill, teilling, sawing, and harrowing a part thaireof," and also to pay to the Treasurer £10 for his escheat in case he has any outwith the regality of Glasgow.

Fol. 4, a.

Thomas Sommervell, portioner of Grange, for David Wilsoun in Dablair, not to harm William Cunynghame of Capringtoun, under the pains in the letters raised therenent and conform to the Acts of Parliament made with regard to such cases.—Mr Isaac Broun, advocate, registers the band, written by the said Thomas himself, and subscribed at Carnewath, 7th July, before Walter Broun, messenger in Carnewath, Thomas Mosman there, and Johne Kirkpatrik, servant to the said Thomas. Edinburgh, 8th July. David Wilson.

Thomas Ranyng, burgess of Drumfreis, for Alexander Fergusoun of Ile, not to harm David Irwing in Drumfreis, Mareoun Newlandis, his spouse, Johne and Jeane Irwingis, their bairns, under the pains in the letters raised thereanent.—Johne Haliday, advocate, registers the band, written by Robert Cunynghame, notary, and subscribed at Drumfreis, 4th July, before Johne Ranyng, burgess there, Johne Schort, servitor to the said Alexander, and the said notary. Fergusson of the Isle.

Fol. 4, b.

Robert Scott of Thirlestane for Sir James Johnestoun of Dunskellie, £5000, not to harm Johne, Lord Herreis, or Alexander Stewart of Garleis. Edinburgh, 9th July. Sir James Johnstone.

Fol. 5, a.

Mr James Makmath of Dalpeddyr for Sir William Greirsoun of Lag, £2000 merks, that, on being released furth of his present ward in Edinburgh Castle, he will remain in the burgh of Edinburgh till freed by the Lords of Secret Council,—the said principal, and William Dowglas, younger of Drumlangrig, becoming sureties in relief. Grierson of Lag.

Sir Johne Charteris of Amisfeild for Johne, Lord Herreis, £5000, not to harm Sir James Johnnestoun of Dunskellie. Lord Herries.

Peter M^{c}Dowall, fiar of Machrymoir, for Johne Kirkpatrik of Freircors, 2000 merks, that, on being relieved furth of Edinburgh Castle, he will keep ward in the burgh of Edinburgh till freed by the Council. John Kirkpatrick.

Fol. 5, b.

Johnne M^{c}Quhane, merchant, burgess of Edinburgh, for Johne M^{c}Couchtrie in Barleymylne, 500 merks, not to harm James Greir at the Mill of Kirkanderis. Edinburgh, 10th July. John MacCouchtry.

Johne Inglis, bailie of Kirkcudbrycht, and David Arnot of Chapell, for Alexander Levenox, burgess of Kirkcudbrycht, 500 merks, not to harm James Greir in Kirkandres. Alexander Lennox.

Sir Johne Charteris of Amisfeild for Thomas Kirkpatrik, fiar of Closburne, 500 merks, to answer before the Council on 25th instant for assaulting Thomas Gilchryst in Cluistoun and hurting him in the hand. Thomas Kirkpatrick.

Fol. 6, a.

James Dunlope of that Ilk for Johne Dunlope in Overhill, £500, not to harm Jonet Currie, his spouse. Edinburgh, 12th July. John Dunlop.

James Dennestoun of Cowgrane for Androw Dennestoun, brother of the said James, Robert Dennestoun in Drumfade, Gawin, Patrik, and James Dennestones, his sons, 500 merks each, not to harm Patrik Dennestoun of Auchindunnanrie. Edinburgh, 13th July. Andrew Denniston and others.

James Denniston. Robert Galbraith of Culcreuch for James Dennestoun of Cowgrane, 1000 merks, not to harm Patrik Dennestoun of Auchindunnanrie. Acta Caut. 1605–1607. Fol. 6, b.

John Livingstone and son. Robert Weir of Halcraig for Johne Levingstoun of Belstane, and Alexander Levingstoun, his son, not to harm James Foullis, elder of Colingtoun, or Mr James Foullis, his son, fiar thereof, under the pains in the letters raised thereanent; also that the said Johne shall not harm William Baillie of Lammyngtoun, under the said pains.

Thomas Kirkpatrick. William Kirkpatrik, younger of Kirkmichaell, for Thomas Kirkpatrik, fiar of Cloisburne, to pay to Sir Johnne Arnot, treasurer-depute, £20 for his escheat for being put to the horn at the instance of Thomas Gilchryst in Cluistoun for invading him and chasing him to the water of Neth, or else to obtain himself relaxed from the horning executed against him. Fol. 7, a.

Edinburgh, 17th July. Sir John Wishart and son. Johne Hay of Urie for Sir Johne Wischart of Pittarro, and Johne Wischart, fiar thereof, his son, £3000, to remain in ward in their lodging house in Edinburgh, after their release furth of the Castle of Blaknes, till freed by the Council.

Thomas Anderson. Johne Andersoun, skinner, burgess of Edinburgh, for Thomas Andersoun, burgess of Kirkcudbrycht, 500 merks, not to harm Edward Foister, commissary of Kirkcudbrycht, or Foister, his father. Fol. 7, b.

Sir David Lindsay. Sir Walter Lindsay of Balgayis for Sir David Lindsay of Edzell, £3000, that after his release out of Dumbertane Castle he will immediately repair to Edinburgh and keep ward in his lodging house there till freed by the Council.

William Maxwell. Johne Maxwell of Conhaith for William Maxwell of Gribtoun, to enter before the Council on 14th November next Johne M^{c}Brair and Robert Johnestoun of the Brume, alleged to be his men, to answer to the complaint made against them by the King's Advocate and Robert Johnestoun of Brigholme, touching their taking the place of Newbie and shooting of Edward Johnestoun, brother of the said Robert, with a pistolet,—under the pain of 1000 merks for either of the said persons; also to pay to the Treasurer 100 merks for his escheat goods fallen through the horning used against him for non-entry of the said persons, or else to report nullity of the horning.

Edinburgh, 18th July. James Dalrymple. George Crawfurd, fiar of Leifnoreis, for James Dalrumple, brother of Johne Dalrumple of Stair, 300 merks, to answer before the Council upon 12th September next to a complaint made against him by the King's Advocate and Allane Cathcart of Watterheid for pursuing the said Allane with hagbuts and pistolets. Fol. 8, a

David Dalrymple and John Luggie. Androw Hewatt, "pewderar," burgess of Edinburgh, for David Dalrumple and Johne Luggie, merchants, burgesses of Glasgow, 500 merks, to carry the linen cloth to be exported by them to England only, and to produce to the Council at their home-coming a certificate from the town where the cloth shall be sold that it had been sold there.

Alexander Gordon of Barclay. Hew Gordoun of Grange for Alexander Gordoun of Barclay, £1000, not to harm Sir Johne Vaus of Longcastell.—Mr Thomas Mawer, advocate,

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registers the band, written by Alexander Purwience, servitor to Alexander Cochrane, sheriff-clerk of Wigtoun, and subscribed at Wigtoun, 15th July, before the said Michaell, William M°Kie of Kirriquhirne, Robert Lawsoun, burgess in Wigtoun, and the said writer hereof.

Fol. 8, b.

Sir Johne Home of Huttounhall and Sir William Home of Quhytlaw, 1000 merks, for Gilbert Cranstoun, presently in ward in the tolbooth of Edinburgh, that, on being released, he will answer before the Council when charged to the complaint made against him by Mr William Leslie of Civilie, touching his alleged invasion of the said Mr William. Edinburgh, 20th July. Gilbert Cranston.

James Forrett of Burrowfeild for Thomas Russell, William Russell, in Falhoussis, and Robert Russell in Scarrieschaw, £100 each, not to slay hereafter any wild fowl in any part of this kingdom contrary to the Acts of Parliament. Thomas Russell and others.

Patrick Weddell in appears and declares by his great oath that he could get no caution not to slay fowls, wild fowls, or use fowling, contrary to the Acts of Parliament, in respect of his poverty. Accordingly he gave his great oath to keep the Acts of Parliament made thereanent. Patrick Waddell.

Sir James Dundas of Arnestoun for Adame Broun in Halkerstoun, not to harm Johne Mitchelsoun in Currie, under the pain of [here the connection in the Register is broken, a folio at least being wanting]. Edinburgh, 22nd July. Adam Brown. James Spence.

Fol. 9, a

. . . . James Spence of Wolmerstoun for the said Thomas, 2000 merks, not to harm the said David.—The band, registered by Robert Hammiltoun, and written by Johne Dingwall, notary public, is subscribed at Wolmerstoun, 26th July 1605, before Thomas Spence, Mr James Melvill, minister, David Thomesoun, and Petir Hay.

Johnne Gordoun of Bukie for Sir Harie Lindsay of Carrestoun, 5000 merks, not to harm Patrik Eviot, brother of the Laird of Bowsie. Sir Harry Lindsay.

Fol. 9, b.

William Forbes of Corsindae for Robert Johnnestoun of Cayismylne, £1000, not to harm Mr Johne Cheyne of Pitfechie, Johnne Seytoun of Schethin, Johne Gordoun of Tulliehowdy, Johne Leslie of Petcaple, or Thomas Cheyne of Ranestoun. Edinburgh, 30th July. Robert Johnstone.

William Banerman of Glendukie, and Andro Banerman, his brother, for George Banerman, son of Lowrence Banerman of Middle Cairnyis, 300 merks, not to harm Patrik Forbes in Dunkeld. George Bannerman.

Fol. 10, a.

Edward Maxwell of Hillis for Johnne, Lord Hereis, £5000, and Robert Maxwell of Dinwiddie for William Maxwell of Gribtoun and Johnne Maxwell of Conhaith, either of them in 3000 merks, not to harm Mr Johnne Johnnestoun, advocate. Edinburgh 31st July. Lord Herries and others.

Williame Donaldsoun, burgess of the Cannogait, as principal, and Johnne Wilkie, tailor, burgess there, as surety, £500, not to harm George Crambie, tailor, burgess of Perth. William Donaldson.

Fol. 10, b.

Thomas Lorane in Polwarttoun for Thomas Trotter, sometime one of his Majesty's Guard, £100, to answer before the Council touching his alleged ravishing of Margaret Carketle, daughter of the late George Carketle, burgess of Edinburgh, and otherwise abusing her at his pleasure. Thomas Trotter.

Edinburgh, 1st August. Thomas Kirkpatrick. Thomas Jardine and his sons.

Sir Johne Charteris of Amisfeild for Thomas Kirkpatrik, fiar of Closburne, £1000, not to harm Thomas Gilchryst in Clintstoun. Acta Caut. 1605-1607.

Robert Scott of Thirlestane for Thomas Jerdane, elder in Birnok, and Umphra and Alexander Jerdanes, his sons, 500 merks each, to answer before the Council on 14th November next to a complaint against them by William Campbell of Kelwod touching their bearing of hagbuts and pistolets, for which they were denounced rebels,—Robert Maitland of Ecclis, William Carmichaell of Peddane, James Grhame of Langboddum, and Alexander Moffett in Wodend, become sureties in relief. Fol. 11, a.

Edinburgh, 3rd August. William Lowson.

Thomas Collace of Pitforky for William Lowsoun in Boigtoun, 300 merks, not to harm George Campbell of Crownane.

Edinburgh, 5th August. George Baxter.

Thomas Hucheoun, younger, armourer, burgess of Edinburgh, for George Baxter, flesher, burgess of the Cannogait, £500, not to harm George Crambie, tailor, burgess of Perth.

James Gordon, younger of Lesmore.

James Crychtoun of Frendraucht for James Gordoun, apparent of Lesmoir, £1000, not to harm Andro Watsoun in Haddoch, in the parish of Creychmond.—The band, registered by Mr Lowrence Makgill, advocate, and written by George Cheyne, notary public, is subscribed at Frendraucht, 30th July, before William Lumisdane, James Creichtoun, and Johne Hempseid, servitors to the said James Creychtoun, Thomas Gordoun, servitor to the said James Gordoun, and the said writer hereof. Fol. 11, b.

Thomas Hay, portioner of Rattray.

Johnne Sandersone in Bunyetoun, in the parish of Phillorth, for Thomas Hay, portioner and indweller in the burgh of Rattray, 300 merks, not to harm Andro Watsoun in Haddo of Rattray, conform to the charge given by Johnne Symsoun, messenger.—The band, registered by Mr Lowrence McGill, advocate, and written by Johnne Arbuthnot, notary public, is subscribed at Deir, 27th July, before David Rires in Mains of Straquhan, Johne Hendrie at the Kirk of Deir, David Jak at Deir, William Gaw in Cryarie,—the said notary and William Jak, notary, subscribing for Sandersone. Fol. 12, a.

James Robertson.

Andro Robertsoun in Middlelesse, portioner of the lands and roods of the burgh of Rattray, for James Robertsoun in Middlelesse, 300 merks, not to harm Andro Watsoun in Haddow of Rattray, conform to the charge given by James (?Johne) Symsoun, messenger.—The band, registered by Mr Lowrence McGill, and written by Johne Arbuthnot, is subscribed at Middlelesse, 29th July, before William Thomesoun in Newsait, James Gordoun, apparent of Lesmoir, and Thomas Gordoun, his servitor. Fol. 12, b.

Abraham Stewart and James Gordon.

James Gordoun, apparent of Lesmoir, for Abrahame Stewart in Manbletoun, and James Gordoun in Fortrie, 300 merks each, not to harm Andro Watsoun in Haddo of Rattray.—The band, registered and written as above, is subscribed at Brodland, 26th July, before Thomas Gordoun, servitor to the said James Gordoun, Thomas Thane, "my servitour," Andro Robertsoun in Middlelesse, and Johnne Arbuthnot, writer hereof. Fol. 13, a.

Alexander Rires.

David Rires in Strachin, in the parish of Rathyre, for Alexander Rires in the parish of Crymond, 300 merks, not to harm Andro Watsoun in Haddo of Rattray, conform to the charge given by Johne Symsoun,

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messenger.—The band, registered and written as above, is subscribed at Deir, 27th July, before Thomas Hay in Rattray, David Jak at Deir, Johne Hendrie there, William Gaw in Cryallie,—William Jak and John Arbuthnot, notaries, subscribing for Alexander Rires.

David Rires.

Alexander Rires in Stradodley, in the parish of Cremond, for David Rires in Mains of Strechin, 300 merks, not to harm Andro Watsoun in Haddo of Rattray, conform to the charge by Johnne Symsoun.—The band, registered by Mr Lowrence M°Gill, advocate, and written by William Jak, notary public, is subscribed at Deir, 27th July, before Johnne Hendrie, reader at the kirk of Deir, Thomas Hay in Rattray, William Gaw in Crealie, and David Jak in Deir,—the foresaid notaries subscribing for the surety.

Fol. 14, a.

Edinburgh, 7th August. John Walker and John Hunter.

James Fentoun of Wester Ogill for Johne Walker at the Mill of Wester Ogill and Johne Huntar at the Mill of Easter Ogill, 300 merks each, not to harm Mr Robert Gairdin, servitor to Johne, Earl of Montrois.

John Deas in Cupar.

Patrik Lochmalony of that Ilk for Johne Dais, flesher, burgess of Cuper, not to harm David Heddirwik, David Arthour, Robert Donaldsoun, Johnne Putcarne, James Smyth, or David and Johne Weylandis, burgesses of the said burgh, under the pains contained in the King's letters.—The band, registered by Mr Alexander Peblis, advocate, is subscribed at Coupair, 8th November 1604, before Alexander Forsyth of Nydie, William Arthour there, Henry Thomesoun, burgess of Couper, and Johne Carnegie, writer hereof.

Fol. 14, b.

Edinburgh, 13th August. Alexander Gairdner.

Androw Wilsoun of Culrois Waulkmill for Alexander Gairdner in Pettymure, 200 merks, not to harm Alexander Ewing in Wester Rossyth, conform to the charge given to him on 8th instant.—The band, registered by Mr Umphra Blinsele, advocate, and written by William Broun, notary, is subscribed at Dumfermling, 12th August, before William Schortus, messenger, burgess of Dumfermling, executioner hereof, and the said writer,—David Broun, notary, subscribing for Androw Wilsoun.

David Weir.

Williame Weir of Auchtyfardele for David Weir, his son and apparent heir, 2000 merks, not to harm Mr James Durhame of Duntervie.

Fol. 15, a.

Edinburgh, 14th August. James Pringle and others.

George Pringle in Mitchelstoun for James Pringle there, 500 merks, and for James Thomesoun there, Andro Mure there, and Robert Dalzell there, £100 each, and the said James Pringle for the said George Pringle, 500 merks, and for Williame Dewar there, Patrik Thorbrand there, and Thomas Broun, servitor to the said George, £100 each, not to harm David Gray in Catpair,—James Prymrois, clerk of Council, subscribing for George Pringle.

Fol. 15, b.

Mr Archibald Douglas.

James Twedie of Drummelyear for Mr Archibald Dowglas, parson of Peblis, £2000, not to harm Alexander Horsburgh of that Ilk.

Robert Howden.

Frances Dicksoun in Sanct Jermanes and Frances Capie in Langnudrie for Robert Howdoun, servitor to Sir George Douglas of Reidhouse, 400 merks, not to harm Mr James Borthuik of Lochiehills, James Borthuik, his son and apparent heir, or William Hervie, his son-in-law.

Edinburgh, 16th August.

Johne Vernour, apparent of Auchindynnie, for Thomas Bellendene,

Thomas Bellenden. brother of the late James Bellendene of Laswade, £500, not to harm Agnes Bellendene, goodwife of Laswade. Acta Caut. 1605-1607. Fol. 16, a.

Alexander Horsburgh. Alexander Tait of Pirne for Alexander Horsburgh of that Ilk, £2000, not to harm Mr Archibald Dowglas, parson of Peblis.

Edinburgh, 17th August. Mr David Wemyss and Thomas Reid. Johne Logane, burgess of Edinburgh, for Mr David Weymis, minister at Glasgow, 500 merks, and for Thomas Reid, gardener in Glasgow, 300 merks, not to harm Robert Boyd of Badinhaith.

George Bell and others in Annan. Williame Maxwell of Templane, fiar of Tynwald, for George Bell in Annand, £500, and for Robert Loche, David Rae, Nicoll Ra, George Hair, Johne Hair, his son, Thomas Wilkene, George Wilkein, his son, Johne Wilkene of the Vyend, George Hair, James Robiesoun, Richert Pot, Thomas Wilkene, called Bernard's Thome, James Tynding, and George Tod, all inhabitants of the said town, 400 merks each, not to harm Johne Galloway, bailie of the said town.—The band, registered by James King, advocate, and written by David Millair, notary public, is subscribed at Drumfreis, 12th August, before Homer Maxwell, commissary of Drumfreis, Johne Mundell, burgess there, and Johne Young, writer,—the said notary subscribing for the principals. Fol. 16, b.

Edinburgh, 20th August. Herbert Hunter. Williame Maxwell of Gribtoun for Harbert Hunter in Halywode, £500, not to harm Thomas Gaw in Guliehill, Richie Edzair there, Thomas Edzair in Furd, Thomas Edzair, his son, there, Thomas Edzair, called the Laird, there, Clement Edzair there, Harbert Edzair in Beircroft, Johne Burges there, Thomas Edzair in Holme, Hew M°Calland in Bromrig, Bessie Grahame, his mother, there, Adame Narnes in Comptfurde, Johne Cuninghame in Linclowden, or Robert Edzair in Burne.—The band, registered by James King, advocate, and written by Cuthbert Cuninghame, notary, burgess of Drumfries, is subscribed there, 17th August, before William Maxwell, called of Logane, Richart Murray and William Hay, servitors to my Lord Hereis, and the said notary. Fol. 17, a.

David Tait and others. Sir Johne Ker of Hirsale for David Tait of Dowknow, George Tait in Bairers, William Tait, his brother, Thomas Tait in Yetteme, called Thome of the Hoillis, Robert Tait in Stankfurd, George Tait there, Jok Tait in Yetteme, James Tait there, called James the Baillie, Raulf Tait there, Thomas Tait there, called Thome the Baillie, to pay to William Tait in Cheritreis any such sums as shall be found due by them to him over the 10 merks due by each of them to him for his weekly expenses while he remained as pledge in England.—The band, registered by Mr Johne Learmonth, advocate, and written by Robert Andirsoun, notary public, is subscribed at Kelso, 18th August, before Johne Pringle in Softlaw, James Millair in Prunisyd-mill, Robert Diksoun, merchant, and George Davidsoun, skinner, indwellers in Kelso,—Robert Andersoun and William Tait, notaries, subscribing for the principals. Fol. 17, b.

Edinburgh, 26th August. Adam Murray and others. Gawin Johnnstoun, merchant, burgess of Edinburgh, for Adame Murray of Dumcreif, 1000 merks, and the said Adame for Thomas Murray, his brother, Robert Frenche in the Murefute, his servant, and Adame Murray in Gilfute, 300 merks each, not to harm Gilbert Johnnstoun of Wamphray. Fol. 18, a.

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Sir James Johnnstoun of Dunskellie for Gawin Johnnstoun in Annandholme, 1000 merks, not to harm Gilbert Johnnstoun of Wamphray.—The band, registered by Mr Thomas Gray, advocate, and written by James Johnnstoun, notary, is witnessed by James Johnnstoun of Westraw, Patrik Porteous of Halkschaw, George Redick, Niniane Johnnstoun of Powdene, and James Johnnstoun, his brother. Edinburgh, 27th August. Gavin Johnstone.

Fol. 18, b.

Johne Maxwell of Garrerie, Michaell Cunynghame of Coig, and Johne Cunynghame, merchant, burgess of Edinburgh, for William Maxwell, younger of Cowhill, 10,000 merks, to answer before the Council on 7th November next touching the criminal pursuit moved against him by the brothers of Kirkhous,—Thomas Kirkpatrik of Closburne becoming surety in relief, and James Prymrois, Clerk of Council, subscribing for Michael Cunynghame. Edinburgh, 28th August. William Maxwell.

Alexander Bonar of Balgirscho for Baltie Stirling, maltman, burgess of Perth, 500 merks, not to harm Helene Orme, relict of Henry Adamesoun, burgess of Perth, or Gilbert Adamesoun, his eldest son and heir. Perth, 27th August. Balty Stirling.

Fol. 19, a.

Robert Gordoun of Barnerny for Robert M°Alexander in Clauchane of Pennynghame, 300 merks, not to harm George Steuart of Baltersane, Duncane Craufurd of Auchinfowle, Neill M°Millane, servitor to the said George, Thomas M°Quharrie in Baltersane, Gilbert M°Gill there, Johne M°Dowell there, Cudbert M°Tagart there, Neill M°Morrane, or Archibald M°Mulyeroch, servitor to the said George.—The band, registered by Mr Robert Young, and written by Mr James Adamesoun, minister at Pennynghame, is subscribed at the Clauchane of Pennynghame, 27th August, before Mr Mathow Reid, minister at Kirkenner, the said writer hereof, Thomas Kingyeane in Schenantoun, and Johne Reid, servitor to the said Mr Mathow. Edinburgh, 2nd Sept. Robert MacAlexander.

Alexander Gourlay, fiar of Southheld, for William Hendersoun, portioner of Innerdovat, £1000, not to harm Andro Imry, portioner of Fordell.

Fol. 19, b.

—The band, registered by Mr Johne Johnestoun, advocate, is subscribed at Ferry Portincraig, 6th September, before James Patersoun, James Adame, James Mansoun, inhabitants in Ferry Portincraig, and Alexander Litlejohne, notary, writer hereof. Edinburgh, 9th Sept. William Henderson.

Alexander Gordoun of Auchterarne for James Gordoun, apparent of Lesmoir, his brother, £1000, and for William Robertsoun in Bordland, Williame Scot there, Cristeane Watsoun in Grenmyre, and Andro Smyth in Lochbankis, 300 merks each, not to harm Alexander Hay in Denheid, William Davidsoun in Southesse, or William Watsoun in Haddoch of Rattray, portioners of the town of Rattray.—The band, registered by Mr

Fol. 20, a.

Robert Young, and written by Alexander Middiltoun, notary public, is subscribed at Lesmoir, 8th September, before Alexander Gordoun of Lesmoir, George Broun, servitor to Robert Couttis, fiar of Auchtircoull, Thomas Robertsoun at the Mill of Lesmoir, Mr Arthour Andirsoun, and the said writer hereof. Edinburgh, 13th Sept. James Gordon and others.

Robert M°Clune of Barneill for Robert Fairlie of that Ilk, 1000 merks,

Fol. 20, b.

not to harm Robert Devok in Fairlie.—The band, registered by James Edinburgh, 16th Sept.

Robert Fairly of that Ilk.

King, advocate, and written by Archibald Connell, notary, is subscribed at the Largis, 11th September, before the said notary, Mr Thomas Mure, schoolmaster in Largis, and Archibald Connell, younger. Acta Caut. 1605–1607.

Edinburgh, 18th Sept. John Anderson.

Lourence Andersoun of Burnemouth for Johnne Andersoun at the Mill of Newtyle, 1000 merks, not to harm Andro Moncur, portioner of Balmu. —The band, registered by Mr Isack Broun, advocate [the connection in the Register is here broken, a folio at least being apparently wanting].

. . . . "Abirdene, Robert Burnet in Boigmone, and the said William Jak [notary public]. *Sic subscribitur:* G. Keith of Glaknach, A. Burnet of Gask, M. Keith, Keith, witnes, N. Keith, witnes, Robert Burnet, witnes, Thomas Moreis, witnes." Fol. 21, a.

David Lindsay, fiar of Edzell.

Sir David Carnegy of Kynnaird for David Lindsay, fiar of Edzell, 10,000 merks, not to harm Sir Johnne Wischert of Pittarrow.—The band, registered by Mr Umphra Blinsele, advocate, and written by George Wrycht, notary, is subscribed at Kynnaird, 16th September, before Sir Waltir Lindsay of Balgais, Johne Lindsay, notary, Mr George Forrester and Johne Baillie, servitors to the said Sir David, and said writer hereof.

Edinburgh, 23rd Sept. Herbert Hunter.

Williame Maxwell of Gribtoun for Harbert Hunter in Halywode, £500, not to harm Edward Edzair, burgess of Edinburgh, Robert Edzer, burgess of Drumfreis, Harbert Edzer of Beircroft in Halywod, or Thomas Edzer in Holme, elder and younger.—The band, registered by Mr Umphra Blinsele, advocate, and written by Cuthbert Cunynghame, notary, is subscribed at Tarreglis, 21st September, before Johnne Maxwell, brother of Newwark, William Maxwell, called of Logane, and the said writer hereof. Fol. 21, b.

Alexander Wauch, portioner of Glenboy.

Johnne Kynninmonth of Wester Methie for Alexander Wauch, portioner of Glenboy, 1000 merks, not to harm Mr David Williamsoun, minister at Methie.—The band, registered by Mr Robert Young, and written by Johnne Watsoun, notary public, is subscribed at Cadgertoun of East Grange of Kincreche, 20th September, before William Navey, William Ker, and David Haisteis, in Cadgertoun, and the said writer hereof. Fol. 22, a.

Edinburgh, 28th Sept. Mr Richard Douglas.

Mr Richard Douglas of Brokhollis, as principal, and Patrik Douglas, baxter, burgess of Edinburgh, as surety, 3000 merks, not to harm Robert Newlandis, burgess of Edinburgh, or Margaret Davidsoun, his spouse.

Edinburgh, 1st October. Abraham Johnstone.

Williame Johnnstoun, burgess of Drumfreis, for Abrahame Johnnstoun, brother of Robert Johnnstoun of Newbie, £200, to desist from all intromitting with the maills or fishing of the living of Newbie, conform to the decree obtained against him by Elizabeth Stewairt, Lady Newbie. —The band, registered by Mr Umphra Blinsele, advocate, is subscribed at Drumfreis, 23rd September, before James Johnnstoun, notary, Andro Maxwell, "gyller" in Drumfreis, and Hew Bowstoun, commissary clerk. Fol. 22, b.

Edinburgh, 2nd October. Alexander Hay and others.

William Hay, fiar of Urie, for Alexander Hay in Damheid, William Watsoun of Haddo, Andro Watsoun there, and Johnne Hay of Mylnehill, not to harm James Gordoun, apparent of Lesmoir, portioner of Rattray, Alexander Rires, James Robirtsoun, Andro Robertsoun, William Davidsoun, William Andersoun, Johne Scot, Thomas Hay, Jonet Keith,

Acta Caut. 1605–1607.

in Blakwater, all portioners of the town of Rattray, or James Gordoun in Foirtrie, *alias* Hame Stewart in Monbleton, under the pain of £500.—The band, registered by Mr Thomas Gray, advocate, and written by William Neisbit, is subscribed at Bogingour, 26th September, before Hendry Parker and William Hay, servants to the Laird of Urie, and the said writer hereof.

Acta Caut. 1591–1616. Fol. 84, b.

Perth, 3rd Oct. Thomas Johnstone and others.

Sir James Johnnstoun of Dunskellie for Thome Johnnstoun of Finglen, Symone Johnnstoun, his father's brother, Andro Johnnstoun, called Martyn's Andro, Johnne Johnnstoun in Tundirgarth, and William Johnnstoun in Haldykis, that, within five days after their relief furth of their present ward in the pledge chamber of Drumfreis, they shall enter in ward in the tolbooth of Edinburgh, conform to the letters of horning executed against them by Johne, Lord Hereis, under the pain of 10,000 merks.

Perth, 4th October. Lady Newbie and Richard Irving.

Johnne Maxwell of Conhaith and Robert Herreis of Killilour for Elizabeth Stewart, Lady Newbie, 1000 merks, and for Richard Irwing, Duke of Hoddum, 500 merks, to answer before the Council on 24th instant to the complaint against them by Sir James Johnnstoun of Dunskellie for intromitting with the corns growing on the lands of Newbie.

Fol. 85, a.

William Craig and others.

James Stewart, burgess and bailie of the barony of Glasgow, for William Craig in Walkmylne, William Craig, his eldest son, William Fergusoun, and Johnne Craig, servitors to said William Craig, elder, Niniane Cuming, in Byris of Partik, Johne Drew, his servitor, Johne Cuming in Westend of Partik, Johne Craig, younger, in Nether Newtoun, and James Fergusoun there, 300 merks each, to answer before the Council on 24th instant to the complaint against them by William Younger of Partik, for coming on 22nd September last to his house and "cruis" and assaulting him.

Acta Caut. 1605–1607. Fol. 23, a.

Edinburgh, 5th October. Captain Tyrie.

Partik Moreis, merchant, burgess of Edinburgh, for Captain Thomas Tyrie of Fentoun, 3000 merks, not to harm Robert Newlandis, burgess of Edinburgh, or Margaret Davidsoun, his spouse.

Edinburgh, 7th October. Patrick Stirling.

Johnne M°Kie of Glassoche for Patrik Stirling in Clauchane of Monygoff, 300 merks, not to harm George Stewart of Baltersane, Duncane Crawfurd of Auchinsoull, Thomas M°Quharrie in Baltersane, Gilbert M°Gill there, Johnne M°Dowell there, Cuthbert M°Tagart there, Michaell M°Millane and Archibald M°Milyeroch, servitors to the said George Stewart.—The band, registered by James King, advocate, and written by Mr James Adamsoun, minister of Pennynghame, is subscribed at Pennynghame,

Fol. 23, b.

29th September, before the said minister, Archibald Kennedy of Barnebirk, Thomas Kingyeane in Schennantoun, and Alexander Lennox, merchant in Glenluce.

Abraham Johnstone.

Mr Johnne Johnnstoun, advocate, for Abraham Johnnstoun, brother of Robert Johnnstoun of Brighome, to pay to the Treasurer 10 merks for his escheat through being denounced rebel at the instance of Elizabeth Stewart, relict of Johne Johnnstoun of Newbie, for his not desisting from intromitting with the maills of the living of Newbie.

Earl of Orkney.

Caution by Sir Johnne Arnott to enter Patrik, Earl of Orkney, before the Council on 24th instant, to answer to such complaints as shall be given in against him the said day. Acta Caut. 1605–1607.

Edinburgh, 10th October. Thomas Kennedy and Josias Stewart.

Mathew Findlasoun of Killeith for Thomas Kennedy of Bargany, and Josias Stewart, his uncle and tutor, £1000, not to reset Thomas Kennedy of Drummurchie, or any of his accomplices put to the horn for the slaughter of Thomas Kennedy of Cullane, tutor of Cassillis, in the houses of Bargany, Adstincher, or Newwark, during their rebellion. Fol. 24, a.

Edinburgh, 14th October. Gilbert Ochterlony and David Lindsay.

Johne Kynneir of Botheris for Gilbert Ouchterlowny and David Lindsay, bailies, and the other councillors of the city of Brechin, 200 merks each, not to harm George Tailyeour, Thomas Schewan, David Brokhous, James Smyth, Patrik Brokhous, David Dunkesoun, Thomas Merchell, James Andersoun, or James Smyth, younger, bakers and citizens of the said city.—The band, registered by Mr Isaak Broun, and written by Johne Noray, notary in Brechin, is subscribed there, 9th October, before Mr Johne Merchell, minister at Brechin, Mr Thomas Ramsay, clerk of the commissariat thereof, the said writer hereof, and Stephane Philp, citizen of .

Robert Doak in Fairly.

William Patoun, burgess of Irwing, for Robert Dook in Fairlie, £500, not to harm Thomas Speir in Fairlie.—The band, registered by Mr William Borthuik, advocate, and written by Gilbert Girvane, servitor to Hew Girvane, court clerk of Irwing, is subscribed at Irwing, 8th October, before Lowrence Scott, writer in Edinburgh, Gilbert Wat, his servant, said writer hereof, Johne Boyd in Fairlie, and Johnne Wallace in Lewis,—Hew Garvane and Gilbert Girvane, notaries, subscribing for Robert Dook. Fol. 24, b.

Edinburgh, 15th October. James Stewart of Rosyth.

Robert Colvill of Cleishe and George Bruce of Carnok for James Stewart of Rossyth, that, on being freed furth of the Castle of Edinburgh, where he is now in ward at the instance of Robert Durie of that Ilk, he will, by 11th November next, re-enter within the said Castle, or else pay to the said Robert the whole sums for which the said Laird of Rossyth is warded in the said Castle. Fol. 25, a.

Edinburgh, 17th October. James Gordon, younger of Lesmore, and others.

Alexander Gordoun of Auchterarne for James Gordoun, apparent of Lesmoir, £1000, and for James Gordoun of Fortrie and Abrahame Stewart in Monbletoun, 300 merks each, not to harm William Watsoun of Haddo of Rattray.—The band, registered by Mr Robert Lintoun, advocate, and written by Alexander Leask, notary public, is subscribed at Lesmore, 9th October, before Thomas Gordoun and George Gordoun, servitors to the said James Gordoun, apparent of Lesmore, James Andersoun, and said writer hereof.

Edinburgh, 19th October. George Gordon.

Johnne Gordoun of Buckie for George Gordoun, apparent of Geicht, £2000, not to harm Archibald Douglas of Bennetle. Fol. 25, b.

Edinburgh, 21st October. Gilbert Johnstone and others.

Symone Johnnestoun of Wodheid for Gilbert Johnnstoun of Wamphra, £1000, for Robert Johnnstoun, his eldest son, 1000 merks, and for William Johnnstoun, also his son, 500 merks, not to harm Adame Murray of Dumcreiff.

James Douglas of Barflachillis for Mr Gawin Douglas, burgess of Elgin, Fol. 26, -.

Acta Caut. 1605–1607.

£500, not to harm Hew Falcouner of Innerlochtie, conform to the King's letters dated at Perth 26th September 1604.—The band, registered by Mr Johne Schairp, advocate, and written by Alexander Mylne, messenger, is subscribed at Elgin, 14th October, before George Sutherland, notary public, burgess of Elgin, Andro Stalker, goldsmith, burgess there, Alexander Russell, burgess there, and said writer hereof. Edinburgh, 22nd October. Mr Gavin Douglas.

George Cuming, burgess of Elgin, for Hew Falcouner of Little Innerlochtie, 1000 merks, not to harm Mr Alexander Douglas, minister at Elgin, conform to the King's letters dated at Perth 3rd July 1604.—The band, registered by Mr Alexander Cuming, advocate, and written by the surety foresaid, is subscribed at Elgin, 15th October, before William Hay of Mayne, George Annand, burgess of Elgin, and James Law, burgess there. Hew Falconer.

Fol. 26, b.

Martene Balfour, portioner of Lelethane, for David Balfour, fiar of Bello, 1000 merks, not to harm David, Lord of Scone. Edinburgh, 24th October. David Balfour.

Fol. 27, a.

Alexander, Earl of Linlythqu, Andro, Lord Steuart of Uchiltrie, and Sir James Skryngeour of Dudop, constable of Dundee, for Patrik, Earl of Orknay, £20,000, to remain within the bounds of Loutheane, Fyffe, or Angus, till relieved by the Council.—Deleted by a warrant subscribed by great number of the Council on 9th August 1606 : J. Prymrois. Earl of Orkney.

Johnne Johnnestoun of Corshill and James Forbes of Miltoun for Williame Forbes in Tirronell, to expede through the seals within 40 days hereof, the remission granted to him for bearing hagbuts under pain of £100 : also to carry hereafter no hagbut or pistolet, and to answer when required to any complaint to be made against him by Mr Robert Irwing of Moncoffer or his tenants, under pain of £500. William Forbes.

Johnne Scot of Spenserfeild for Sir James Scot of Abbotishall, 500 merks, to answer before the Council on 14th November next to a complaint against him by dame Issobell Hepburne, Lady Pitfirene. Edinburgh, 25th October. Sir James Scott.

Fol. 27, b.

James Sinclair of Murkill for Patrik, Earl of Orknay, £1000, to answer before the Council upon 5th December next for his contemptuous remaining at the horn, to which he had been put at the instance of Patrik, Lord of Lundoris, for not paying him certain sums of money. Edinburgh, 28th October. Earl of Orkney.

Johne Harlaw of Laestoun for George, Earl of Marchell, Lord Keith and Altrie, 4000 merks, not to harm Alexander Keith of Balmuir, or Mr James Ord, son of Thomas Ord of Findachtie.—The band, registered by George Abirnethie, advocate, and written by William Swan, writer, is subscribed at Nether Keith, 31st October, before Alexander Home in Over Keith, George Porteous in Nether Keith, and said writer hereof. Earl of Marischal.

Fol. 28, a.

James Douglas of Barflithillis for Mr Alexander Douglas, minister at Elgin, 1000 merks, not to harm Hew Falcouner of Little Innerlochtie. Edinburgh, 4th November. Mr Alexander Douglas.

Johnne Robertsoun of Foirnit for Archibald M°Coneill of Giga, 3000 merks, not to harm Johnne Mull M°Cairlich of Clun.—The band, registered by Mr Williame Borthuik, advocate, and written by Malcolme Huntar, is subscribed at Foirnit, 28th October, before Neil M°Cay, servitor to the said Archibald, Angus M°Millane, and Robert Gilchrist, servitor to Niniane Ramsay. Archibald MacConill.

Fol. 28, b.

Edinburgh, 6th November. Thomas Kirkpatrick.

Sir Thomas Kirkpatrik of Closburne, and Alexander Kirkpatrik, his brother, for Thomas Kirkpatrik in Glendanholme, £500, not to harm Williame Kirkpatrik, apparent of Kirkmichaell. Acta Caut. 1605-1607.

Edinburgh, 8th November. Earl of Cassillis.

Arthour Kennedy of Balserauch for Johnne, Earl of Cassillis, 500 merks, to apprehend Hew Kennedy of Bennane, Hew Kennedy, his brother, Alexander Kennedy, son of Hew Kennedy in Dangar, David Kennedy, elder of , William Kennedy of Garfay, Johnne Mure in Quhitleis, Johnne and Thomas M°Alexanderis, brothers in Ballintrey, Thomas Wallace, son of Johnne Wallace there, Mertene Wilsoun in Newwark, William Cauldwell of Acharne, all indwellers in the bailiary of Carrik, if it be found that he ought to do the same. Fol. 29, a.

John Ramsay.

David Ramsay in Hilheid of Leswaid, Hew Bellindane, son of the late James Bellindane of Pendreich, and Thomas Andro at Poltounmill, for Johnne Ramsay, brother of the said David, 500 merks, not to bear hereafter hagbuts or pistolets, and also to answer when charged for his bygone shooting with hagbuts and pistolets,—James Prymrois, Clerk of the Council, subscribing for Thomas Andro.

James Stewart.

The entry in ward in Edinburgh Castle of James Stewart of Rossyith having been prorogated till 1st December next, George Bruce of Carnok becomes surety for him that by that day he shall enter in ward within the said Castle, and failing thereof that he shall pay to the Laird of Durie the whole sums for which he had been warded.

Edinburgh, 13th Nov. Lord Maxwell and William Maxwell.

Edward Maxwell of Tynwall for Johnne, Lord Maxwell, and William Maxwell, younger of Tynwall, £1000, to pay to Sir William Cranstoun their whole intromission with the maills and duties of the Castles of Lochmaben and Annand; also to desist from intromitting with the same in time coming in case it be found that they ought. Fol. 29, b.

James Armstrong and others.

Harbert Maxwell of Cavence for Jame Armestrong of Cannabie, Johne Murray, smith, Cuddie Little, called Sheriff's Cuddie, Andro Bell in Crurie, Ebie Armestrang of Inglis, under the pain of each, to answer before the Council on for their pursuit of his Majesty's Guard.

William Maxwell.

Johnne Maxwell of Conhaith, Johne Cunynghame, merchant, burgess of Edinburgh, Johnne Reull in Leith, and Sir Thomas Kirkpatrik of Cloisburne, for William Maxwell, apparent of Cowhill, 10,000 merks, to answer before the Council when charged touching the criminal pursuit moved against him by the "bretherene" of Kirkhous. Fol. 30, a.

Edinburgh, 15th Nov. James Pringle.

William Cairnecors of Cumeslie for James Pringle, younger of Buccum, £1000, not to harm Alexander Seytoun, son of the Laird of Touch, or Johne Pringle in Murehouse.

John Brown.

Johnne Hay of Smeithfeild and Gilbert Broun of Hairtrie for Johnne Browne in Cleuch, 10,000 merks, to answer before the Council on 26th instant touching the variance between him and George Hepburne, and in the meantime not to harm the said George,—James Prymrois, Clerk of Council, subscribing for Broun. Fol. 30 b.

John Pringle.

Mr Alexander Seytoun, burgess of Edinburgh, for Johne Pringle in Murehouse, £1000, not to harm James Pringle, younger of Buccum.

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Andro Ker of Fentoun for Mr Alexander Seytoun, burgess of Edinburgh, £1000, not to harm James Pringle, younger of Buccum. Mr Alexander Seton.

Fol. 31, a.

. . . . [connection broken, a folio at least being wanting] in Inchbroik, Alexander Wysman there, Alexander Mukall, Alexander Grant in Kintrae, and George Suthirland, sheriff-clerk of Elgin, to answer before the Council on 9th January next to a complaint made against them by Jonnett Elphinstoun, Lady Finressie, under the pains following, viz. the said Alexander Dumbar of Westfeild, 1000 merks, said Thomas Hepburne of Innerlochtie, Robert Dunbar of Inchellane, Alexander Dunbar in Inchbrok, and Patrik Dunbar, 400 merks each, and every one of the other persons abovewritten, 200 merks: ROBERT DUNBAR OF BOURGE.

Robert Innes of Innermarky for Johnne Forbes of Pitsligo, 1000 merks, not to reset or intercommune with Patrik Cheyne of Essilmonth, James Cheyne of Pennane, Alexander Cheyne, Andro Straquhin, William Turnour, James Walker, and Waltir Gordoun, servitors to the said James Cheyne, put to the horn at the instance of Alexander Fraser, apparent of Phillorth, for not answering before the Council to his complaint. —The band, registered by Mr George Tod, and written by Patrik Keir in Abirdene, is subscribed at Abirdene, 12th November, before William Innes, brother of the Laird of Innermerky, James Forbes, his servant, George and Normond Forbessis, servitors to Johnne Forbes of Pitslego. Edinburgh, 20th Nov. John Forbes of Pitsligo.

Fol. 31, b.

Johnne Campbell of Kinyeancleuch for Johne Lindsay of Covingtoun and ~~Johnne Crawfurd, his servant~~, 1000 merks, not to harm Robert Lindsay in the Grange. Edinburgh, 26th Nov. John Lindsay.

Hector Turnebull of Stanylege for Johne Dowglas, servitor to Thomas Dowglas, brother of James Dowglas of Caveris, £100, to answer before the Council on 19th December next to a complaint against him by George Dowglas of South Prestoun for tilling, sowing, and harrowing the lands of Freirschaw; also to pay to the Treasurer £20 for his goods escheat through his being denounced rebel for not answering to the said complaint, in case he has any outwith the regality of Melros where he dwells. Edinburgh, 27th Nov. John Douglas.

Fol. 32, a.

Bernard Lindsay of the Grange for Robert Lindsay in the Grange, 500 merks, not to harm Johnne Lindsay of Covintoun. Edinburgh, 28th Nov. Robert Lindsay.

William Leyis, merchant, burgess of Edinburgh, as principal, and Thomas Mulligane, merchant there, as surety, 2000 merks, not to harm Johne Lowrie, elder, merchant, burgess there,—James Prymrois, Clerk of Council, subscribing for the principal and surety. William Lees.

Robert Bruntfeild, fiar of Todrig, and Nicol Brountfeild of Quhythouse for Mistress Issobell Home of Ecclis, Johnne Kello there, Patrik Dalsheill there, Robert Home there, Arthour Greir there, Ewmond Dodis in Wormerlaw, Johnne Diksoun in Ecclis, Robert Barrie there, Adame Gray in Horsrigmylne, Jonet Home, sister of Mr William Home of Hackislaw, Archibald Home in Lidgetwode, Agnes Schairp in Hakislaw, and Andro Home, son of William Home in Bassindane, to answer at the instance of James Haitlie of Mellirstanes, donator to the escheat of Mr James Home of Ecclis, William Home, elder of Bassindane, and Mr William Home of The Mistress of Eccles and others.

Fol. 32, b.

Graden, for breaking an arrestment made by the said James and his tutor on this year's corns of the lands belonging to the said Mr James Home, and Williame and Mr Williame Homes. Acta Caut. 1605-1607.

Gordon of Cluny. Sir James Wischart of Pittarro for Alexander Gordoun of Cluny, 10,000 merks, that, on being freed furth of his present ward in Edinburgh, he will remain besouth the water of Forth and be-east the burgh of Linlythgow till he be relieved by the Council.

William Crighton. Sir Robert Crychtoun of Cluny for William Crychtoun of Dernehunche, £1000, not to harm Sir Thomas Kirkpatrik of Closburne or Johne Kirkpatrik of Ellisland.

William Leys. Alexander Hervie, merchant, burgess of Edinburgh, for William Leyis, merchant, burgess there, 2000 merks, not to harm Johnne Lourie, elder, merchant, burgess of Edinburgh. Fol. 33, a.

Edinburgh, 29th Nov. Hew Crawford. Patrik Hammiltoun of Blakwode for Hew Crawfurd in Lefnoreis, 500 merks, not to harm William Cunynghame of Capringtoun, conform to the King's letters dated at Edinburgh last day of February *anno regni* 37. —Mr Alexander King, advocate, registers the band, written by David Ros, notary, and subscribed at Cumnok, 24th November, before George Douglas, elder of Pennyland, James Campbell in Brigend, Robert Colvill in Lefnessok, and said writer hereof. Fol. 33, b.

Crawford of Lefnoreis. George Douglas of Pennyland for George Crawfurde of Lefnoreis, £2000, not to harm William Cunynghame of Caprintoun, conform to the King's letters dated as above.—The band, registered by Mr Alexander King, advocate, and written by Hew Crawfurde, servitor to the said George, is subscribed at Uchiltrie, 24th November, before James Boswell, fiar of Auchinleck, George Crawfurd in Auchmuy, Robert Stewart in Roktoun, and Hew Reid in Third Part.

Thomas Kennedy and Josias Stewart. Mathew Findlasoun of Killeith for Thomas Kennedy of Bargany, and Josias Stewart, his uncle and tutor, £1000, not to reset Thomas Kennedy of Drummurchie, or any of his accomplices denounced for the slaughter of Thomas Kennedy of Cullane, tutor of Cassillis, in the houses of Bargany, Ardstinche, or Newark, during their rebellion.

Edinburgh, 4th December. Patrick Hepburne. Robert Home, apparent of the Heuch, for Patrik Hepburne in Abirdoure, £500, not to reset or intercommune with Patrik Cheyne of Essilmonth, James Cheyne of Pennane, Alexander Cheyne, Andro Strauchane, William Turner, James Walker, and Waltir Gordoun, servitors to the said James Cheyne, or Andro Blak in Abirdoure, all denounced at the instance of Alexander Fraser, apparent of Phillorth, for not answering to his complaint touching their "barbarous hoching of certane oxin and coirnis" belonging to him. Fol. 34, a.

Edinburgh, 5th December. John Gordon. James Gordoun of Knokaspek for Johne Gordoun of Fintrey, 300 merks, not to reset or intercommune with Patrik Butter of Maritoun during his rebellion.—The band, registered by Mr Robert Narne, advocate, and written by Mr Williame Rae, notary public, is subscribed at Abirdene, 30th November, before Mr William Andersoun, sheriff clerk of Abirden, Gilbert Thomsoun, notary public, Johne Gordoun, son of Johne Gordoun of Drymmeis, and said writer hereof.

Acta Caut. 1605–1607. Fol. 34, b.

Johnne Grant of Endrowry for Hector Forbes of Auchlin, £500, not to reset or intercommune with Patrik Cheyne of Essilmonth and his accomplices abovewritten (*ante* p. 620), denounced at the instance of Alexander Fraser, apparent of Phillorth.—The band, registered by Mr George Tod, and written by Patrik Keir in Aberdene, is subscribed there, 28th November, before Johnne Forbes of Petslego, Mr Johnne Forbes and Normond Forbes, his servitors, said writer hereof, and Johnne Forbes of Antemill,—Alexander Ord and Mr Andrew Clerk, notaries, subscribing for Grant. Edinburgh, 6th December. Hector Forbes.

Fol. 35, a.

George Quhippo of Innerteill for George Logane of Bonytoun, and Robert Logane, his son, 3000 merks, to keep good rule and quietness in the country, and not to invade Patrik Kincaid, tutor of Waristoun, Thomas Kincaid, his brother, or Adame Gairdner, servitor to the goodwife of Warestoun. Edinburgh, 7th December. George Logan and son.

Clemet Kincaid of the Coitis for Patrik Kincaid, tutor of Warrestoun, and Thomas Kincaid, his brother, 3000 merks, not to harm George Logane of Bonytoun, or Robert Logane, his son. Patrick and Thomas Kincaid.

Johnne Airmour, merchant, burgess of Edinburgh, for Johne Tailyeour, merchant, burgess there, £200, that the skins belonging to Taiyleour, intromitted with by the deacon of the skinners and amounting to 500, shall be furthcoming to the Treasurer as escheat, in case it be found that they are unlawful goods; further, that he shall not export the same to any other country but to England. John Taylor.

William Forbes of Corsindae for Patrik Forbes, son of Johne Forbes in Mylnebowy, £100, to answer on 19th December instant before the Council to the complaint against him by the King's Advocate and Mr Robert Irwing of Moncoffer, touching his bearing of hagbuts and pistolets. Edinburgh, 11th Dec. Patrick Forbes.

Fol. 35, b.

Sir Johne Ker of Hirsell for Androw Edmestoun of that Ilk, 10,000 merks, to keep good rule and not invade Ramsay of Dalhoussie. Edinburgh, 19th Dec. Andrew Edmonston.

Cuthbert Elphingstoun of Henderstoun for Johne Elphingstoun of the Schank, 5000 merks, to keep good rule and not trouble Sir George Ramsay of Dalhoussy. Edinburgh, 20th Dec. John Elphinston.

Robert Colvill of Cleische for James Monypenny of Pitmillie, 5000 merks, to present Patrik Monypenny of Pilrig before the Council and Session on the first day of their sitting, to the effect order may be taken by the said Lords for the nomination of his curators,—the principal, and Johne Monypenny, his son and apparent heir, becoming sureties in relief. James Monypenny.

Fol. 36, a.

Alexander Forbes, son and apparent heir of Johne Forbes of Mylnebowy, for Patrik Forbes, his brother, 500 merks, not to harm Mr Robert Irwing of Moncoffer, to answer to a complaint to be made against him by the said Mr Robert, and not hereafter to bear hagbuts or pistolets. Patrick Forbes.

Johne Levingstoun of Donypace for Sir David Lindsay of Edzell, 10,000 merks, that, on being released furth of his present ward in the Castle of Striviling, he will immediately repair to Edinburgh and remain there till freed by the Secret Council; also that he will re-enter in the said Castle when charged by the Council; further, that he will not invade Sir Johne Edinburgh, 18th Dec. Sir David Lindsay.

Wischart of Pittarro or partakers with him in the feud standing between them.—The band, written by Eduard Mekiljohne, servitor to James Prymrois, is subscribed at Edinburgh, 17th December, before Alexander Lindsay of Brodland, Mr Jerhome Lindsay and James Prymrois. Acta Caut. 1605-1607. Fol. 36, b.

Edinburgh, 20th Dec. Ramsay of Dalhousie.

William, Earl of Mortoun, for Sir George Ramsay of Dalhoussy, 10,000 merks, to keep the King's peace, and not to invade Sir Andro Edmestoun of that Ilk or Johne Elphingstoun of the Schank.

James Kennedy.

George Lawsoun, burgess of Edinburgh, for James Kennedy of Culyeane, 500 merks, to answer before the Council on 16th January next to a complaint made against him by the King's Advocate and Josias Stewart of Bonnytoun, touching his bearing of hagbuts and pistolets, and wounding of Ramsay, servitor to the said Josias.

Edinburgh, 1st Jan. 1606. Hew Crawford.

George Douglas, elder of Pennyland, for Hew Crawfurd of Tempilland, not to harm William Cunynghame of Capringtoun, under the pains in the King's letters dated at Edinburgh the last day of February 1604.—The band, registered by James King, advocate, and written by David Ros, notary in Cumnok, is subscribed at Cumnok, 28th December 1605, before Hew Crawfurd, brother natural of William Crawfurd of Leifnoreis, Patrik Hammiltoun of Blakwode, Robert Lokhart, notary, and the said writer hereof. Fol. 37, a.

Edinburgh, 2nd Jan. 1606. John Wishart.

Alexander Gordoun of Cluny for Johnne Wischert, apparent of Pittarro, 10,000 merks, that, on being released out of Edinburgh, where he is at present in ward, he will re-enter therein when charged, and in the meantime will not invade Sir David Lindsay of Edzell or partakers with him in the feud standing between them.

Edinburgh, 4th January. David Lindsay.

Sir David Carnegy of Kynnard for David Lindsay, fiar of Edzell, 5000 merks, that, on being freed of his present ward in the burgh of Edinburgh, he will re-enter therein by 20th January instant, and in the meantime will not trouble Sir Johne Wischart of Pittarro or partakers with him in the feud standing between them. Fol. 37, b.

Edinburgh, 6th January. Elizabeth Dundas.

Sir James Johnnstoun of Dunskellie for Elizabeth Dundas, relict of Johne Wauchop, bailie of Nudrie, to make furthcoming to all having interest, and especially to Johne Fairlie of Colmistoun, and Thomas Fairlie, his son, the teindsheaves of Nidry Merschell, collected or intromitted with by her, of this crop of 1605,—the said principal and Robert Johnnstoun of Mossop becoming sureties in relief.—The band, registered by Mr Umphra Blinsele, advocate, and written by the said Robert, is subscribed at Edinburgh, 1st January 1606, before Mr Johnne Johnnstoun, Commendator of Halywode, Wilkine Johnnstoun of Elscheschеillis, Robert Scot, messenger, and William Dalgleische, "poist" to the said Sir James,—Stephan Tran, notary, subscribing for Elizabeth Dundas. Caution for her to the same effect by Johne Hering, portioner of Dalkeith.—The band, registered and written as above, is subscribed at Edinburgh, 6th January, before Mr David Narne, servitor to the Laird of Airdrie, Johne Gray, messenger, Johne Lumisdane, son of the Laird of Airdrie, and William West. Fol. 38, a.

Acta Caut. 1605–1607.

Alexander Grhame, servitor to Johne, Earl of Montrois, for Johne Grhame, Robert Row, Thomas Bowsie, Robert Kemp, Johne Gentleman, James Hendersoun, Thomas Hendersoun, Robert Hendersoun, in Middletoun, Robert Hendersoun in Pethfute, James Gentleman, and David Leischman, tenants of Johne, Earl of Montrois, 100 merks each, to buy such quantity of armour from the Laird of Burley or his factors as the Lords of Secret Council shall determine. Edinburgh, 13th January. John Grahame and others.

Fol. 38, b.

Gabriell Merser, bailie of Perth, for Johnne Jamesoun, dagmaker there, £200, not to harm Andro Hendirsoun of Latoun, chamberlain of Scone, and to answer before the Council to the complaint made against him by Hendirsoun when charged. John Jamieson.

Raulf Ker of Halflakill for William Alie (Aliesoun), burgess of Jedburgh, and Issobell Ker, his spouse, 300 merks, to answer before the Council on 6th February next to a complaint against them by Sir John Ker of Hirsell touching their coming to his mills of Jedburgh, and assualting Johne Lokco, his servitor.—The band, registered by James King, advocate, and written by Eduard Mekiljohne, servitor to James Prymrois, Clerk of Council, is subscribed at Newbottle, 28th December 1605, before David Borthuik, chamberlain of Newbottle, Johne Reid, bailie thereof, and William Meggett in Newbottle,—John Young, notary public, subscribing for Raulf Ker. William Alison.

Fol. 39, a.

Walter Scott of Harden, as principal, and Robert Scott of Bowden, as surety, *et vice versa;* James Gledstanes, younger of Ormestoun, as principal, and Robert Ellott of Lareistoun, as surety, *et vice versa;* said Robert Ellott as surety for William Ellott of Dunliebyre, and Robert Ellott, his son; Johne Ellott of Copschaw, as principal, and Syme Armestrang of Quhithauch, as surety, *et vice versa;* said Syme as surety for Lancie Armestrang, his son; and Walter Scot of Harden for Gilbert Ellott of Horsliehill: all 1000 merks each: that neither they nor any of their men or tenants shall hereafter hunt in Tyndale, Riddisdale, the Forest of Cheviot, or Kidland *alias* Kidnald, without licence of George, Earl of Dumbar, keeper of the said bounds.—James Prymrois, Clerk of Council, subscribes for Scott of Harden, Scott of Bowden, Ellott of Copshaw, and Sym Armestrang. Edinburgh, 16th January. Scott of Harden and others.

Fol. 39, b.

Johne Buchannan of that Ilk for Duncane Buchannane of Caslie, 1000 merks, not to harm James Hadden of Glennegeis. Duncan Buchanan.

Duncane Buchannane of Caslie for Walter Buchannane at the Cattermylne, 1000 merks, not to harm James Hadden of Glennegeis. Walter Buchanan.

James Keith of Kynnadie for George Leslie of Creichie, and James Arbuthnett, fiar of Lentusche, £1000 each, and for Normond Leslie in Inverurie, and Johne Mortymer, burgess of Aberdene, £500 each, not to harm Johne Leith, apparent of Harthill.—The band, registered by George Abernethie, advocate, and written by David Crombie in Aberdene, is subscribed at Aberdene, 9th January, before Johne Gordoun of Boigis, Robert Keith of Scaray, Mr Walter Chalmer and Gilbert Thomesoun, notaries, and said writer hereof. George Leslie and others.

Fol. 40, a.

Charlis Chalmer of Wester Fintrey for George Crychtoun of Bailyiestoun,

Edinburgh, 18th January. George Crichton.

not to reset Sir James Crychtoun of Frendraucht in his house in Aberdene during his rebellion, under pain of payment to Williame, Robert, and James Umphrais, sons of Henry Umphra at the Mill of Frendraucht, of the whole sums for which he is put to the horn. Acta Caut. 1605–1607.

Hucheon Ross.

Hucheoun Ros, apparent of Balnamuchie, as principal, and Androw Monro, portioner of Mekle Allane, as surety, £1000, not to harm George Sinclar of Maii.—The band, registered by Mr Johne Leirmonth, advocate, and written by Johne Adamesoun, servitor to Charles Paip, portioner of Mukrany, is subscribed at Mekle Allane, 9th January, before George Ros, servitor to Androw Monro of Newmoir, Rorie Urquhart, Johne Adamesoun foresaid, George Mursoun in Mekle Rany, and Charles Paip. Fol. 40, b.

James and John Corbet, and others.

James Corbett, bailie of Tayne, for James and Johne Corbettis, portioners of Arkboll, 1000 merks each, and for Alexander, William, and James Corbettis, sons of the said James Corbett of Arkboll, and for Johne Corbett, *alias* M^{c}Bernat, in Arkboll, £200 each, not to harm Nicolas Ros of Pitcalnie or Mr Johne Ros, parson of Logy.—The band, registered by Mr Lawrence Makgill, advocate, and written by the said Johne Corbett, is subscribed at Arkboll, 12th January, before Alexander and William Corbettis, sons of the said James Corbett, and James Reid, servitor to the said Johne Corbett. Fol. 41, a.

Edinburgh, 21st January. Thomas Hay.

Richart Kennedy in Larg for Thomas Hay of Park, 500 merks, not to reset or intercommune with Johnne M^{c}Dowall of Garthland while he remains at the horn, to which he had been put at the instance of James Kennedy of Crugiltoun.—The band, registered by Mr Williame Hay, advocate, and written by Alexander Hay, son of the said Thomas Hay, is subscribed at the Larg, 17th January, before Gilbert M^{c}Brair, servitor to the said Thomas Hay, James Carnochene, and Thomas M^{c}Lauchene, servitor to the said Richart Kennedy.

John Hay.

Patrik Dunbar of Culboyak for Johnne Hay of Urchny, 500 merks, to enter before the Council when charged Donald Caddell, alleged to be his man, to answer to the complaint of Johnne Petrie in Old Yards of Rothos, touching the stealing from him on 18th February 1603 of twelve head of nolt and 24 sheep, with the plenishing of his house, in case it be found that said Caddell is said Hay's man.

Alexander Ramsay and others.

James Nasmyth of Inver for Alexander Ramsay of Gallowraw, 500 merks, and for Alexander Kilgour, and Johne Kilgour, his son, wrights in Couper, 300 merks each, not to harm Mr Androw Lamb, Commendator of Cowper, in his body or possessions, or take away the trees and planting belonging to the said Abbot of Couper, or demolish the stones within the precincts of the Abbey. Fol. 41, b.

James Hamilton and others.

James Affleck of Twedy for James Hammiltoun of Craufurdjohne, 1000 merks, and for Johnne Hammiltoun, called the Page, James Murray, son of William Murray of Guidisburne, Andro Hammiltoun, son of Mathew Hammiltoun in Evindale, Alexander Murray, servant to the said James Hammiltoun, 200 merks each, to answer before the Council on 30th instant to a complaint against them by Johne, Earl of Mar, for houghing his oxen on his lands of Lempetis.

Acta Caut. 1605–1607. Fol. 42, a.

Silvester Rattray of Craighall for David Murray of Soilyearie, £1000, not to harm Thomas M^cEwin *alias* M^cIntosche, servitor to William Chalmer, younger of Drumloquhy.—The band, registered by Mr Henry Balfoure, advocate, and written by Johne Cargill, son of Donnald Cargill, notary public, is subscribed at the Kirktoun of Rattray, 19th January, before Johnne Rattray, the surety's brother, Andro Sym in Blakhillis, Patrik Rattray in the said Kirktoun, Hew Touch, schoolmaster there, said writer hereof, Johnne Blair, notary, and said Donnald Cargill. Edinburgh, 23rd January. David Murray.

Fol. 42, b.

Silvester Retray of Craighall for George Chalmer of Nether Cloquhat, William Chalmer of Elrik, and Walter Retray of Bordland, £1000 each, and for Johnne, Thomas, Androw, and James Chalmeris, brothers of the said George, Johnne, and Androw Retrayis, sons of the Laird of Bordland, 300 merks each, not to harm Thomas M^cEwne *alias* M^cIntosche.—The band, registered by Mr William Dowglas, advocate, and written by Johnne Cargill, is subscribed at the Kirktoun of Retray, 19th January, before William Rettray of Rannagullane, Lawrence Narne of Tullyfergus, Johnne Retray, brother of the said Silvester, Johne Blair and Donald Cargill, notaries, and said writer hereof,—the said notaries subscribing for Johnne, Androw and James Chalmeris, and Walter Retray foresaid. George Chalmers and others.

Fol. 43, a.

David Ramsay, burgess of Arbroith, for Thomas Ramsay, burgess there, 1000 merks, not to harm Margaret, Elizabeth, and Marioun Purdyis, daughters of the late James Purdie, or Daniell Hay and Williame M^cMorrane, spouses to the said Margaret and Elizabeth.—The band, registered by Mr Henry Balfour, advocate, and written by Johnne Peirsoun, is subscribed at Abirbrothok, 22nd January, before Mr Robert Gairdin, servitor to the Earl of Montrois, David Ochterlony, elder, burgess there, Mr David Peirsoun, notary there, and said writer hereof. Edinburgh, 28th January. Thomas Ramsay.

Fol. 43, b.

Patrik Guthrie, fiar of Kinblachmonth, for Johnne Auchterlony of Cairnay, £1000, in manner and to the effect abovewritten, conform to the King's letters dated at Edinburgh, 6th instant.—The band, registered by Mr Henry Balfoure, advocate, and written by Archibald Peirsoun, son of Mr Alexander Peirsoun, common clerk of Abirbrothok, is subscribed there, 21st January, before William Ouchterlony and Johnne Ochterlony. Ochterlony of Cairny.

Fol. 44, a.

David Sibbald of Lethame for William Chalmer, fiar of Drumloquhy, James Hering of Morgunstoun, and Archibald Hering of Wester Gormok, 1000 merks each, and for Andro Hering, brother of the said Archibald, Johnne and James Chalmeris, sons of William Chalmer, elder of Drumloquhy, Thomas M^cEwne, servitor to the said fiar, Lowrence Wilsoun in Over Cloquhat, William Sanderis at the Mill of Cloquhat, Johnne Croket there, Johne Sibbald, servitor to the said fiar, Thomas Werth at the Mill of Drumloquhy, William Chalmer in Aird, and Waltir Thomesoun there, 500 merks each, not to harm George Chalmer of Nether Cloquhat, William Chalmer of Over Elrik in Glennyla, Johnne Chalmer in Burnesyde of Alycht, Thomas Chalmer in Mawis, Andro Chalmer in Middle Cloquhat, James Chalmer in Brae of Nether Cloquhat, Waltir Rattray of Bordland, or Michaell Rattray in Corb. Edinburgh, 31st January. William Chalmers and others.

Robert Hamilton. Johnne Warrok in the Potterraw and James Libertoun in Libertoun, for Robert Hammiltoun, servitor to Waltir Bell of Bellismylne, 300 merks, to answer before the Council or the Justice when required to any crime that can be laid to his charge. Acta Cant. 1605–1607. Fol. 44, b.

Edinburgh, 1st February. John Meldrum. Thomas Dempster of Auchterles for Johnne Meldrum of Ardley, £500, to answer before the Council on 13th March to complaint against him by William Troup of Pendreich and Andro Meldrum of Darley, for evicting furth of the mill and lands of Drumbrek George Mylne, their tenant, and planting himself in the same, and for other acts of oppression.

Edinburgh, 5th February. Isobel Ker. Williame Dowglas, burgess of Jedburgh, for Issobell Ker, spouse of William Alie, burgess there, 300 merks, to remain in Edinburgh on being released furth of the tolbooth of Edinburgh.

Sir George Towers. Patrik Hepburne of Kirnehill and Patrik Sydserff of that Ilk, for Sir George Towris of Innerleith (Garmiltoun), 5000 merks, to keep the King's peace and not to invade George Logane of Bonnytoun,—the said principal and James Towres of Pitlochie and Patrik Towres, brothers of the said Sir George, becoming sureties in relief. Fol. 45, a.

Mr Alexander Lindsay and others. Alexander Lindsay of Brodland for George Strauchane, called the tutor of Thornetoun, Mr Alexander Lindsay, son of the Laird of Edzell, David Lindsay, apparent of Vane, Alexander Lindsay, apparent of Kethik, and Johnne Lindsay, apparent of Brodland, 500 merks each, and for Mr Johnne Lindsay, brother of the Laird of Dunrode, George Lindsay, brother of the Laird of Covingtoun, William Lindsay, brother of Alexander Lindsay of Kildrany, Johnne Lindsay, his brother, and Mr Patrik Lindsay, son of Patrik Lindsay, burgess of Dundee, 300 merks each, to answer before the Secret Council on 13th March next for the "insolence and contempt" committed by them in Edinburgh on 17th June last in the "conflict and combat" which fell out between them and the Laird of Pittarro, their kin and friends; also, to pay, each of them, to the Treasurer £10 for his escheat within 40 days, or else to obtain nullity of the horning used against them for this cause.—Sir David Lindsay of Edzell becomes surety in relief. Fol. 45, b.

Edinburgh, 6th February. George Logan. Androw Logane of Cotfeild and James Polwart of Cauldlaw for George Logane of Bonnytoun, 300 merks, to keep the King's peace and not to invade or trouble Sir George Towris of Garmyltoun or his brothers, or his men.

John Gledstanes. Johnne Maxwell of Conhaith for Johnne Gledstanes of Craigis, 500 merks, not to harm Robert McBrair of Almegill.

Gavin Lindsay. James McDowall of Manerhill for Gawin Lindsay in Glaspen, 500 merks, not to harm Mr Alexander Meinzeis of Culterhauchis. Fol. 46, a.

Edinburgh, 8th February. Lord Maxwell and the Master of Marischal. Johnne, Lord Maxwell, and William, Master of Mairschaill, appear before the Council and declare that there is no hatred between them, and promise on their honour that they shall not quarrel with one another for the question standing between Johnne Stewart and the Laird of Ludquharne.

Edinburgh, 10th February. Robert McBrair of Almagill, as principal, and Robert Maxwell of

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Dynwiddie, as surety, 500 merks, not to harm Johne Gledstanes of Craigis. Robert MacBrair.

Fol. 46, b.

The King and Council, for the better "assuirance" of the obedience of the persons following, having appointed a certain number of soldiers to keep the house of Dunyvaig in his Majesty's name for the space of three months from 1st March next,—"within the quhilk tyme his Heynes will have the opportunitie and occasioun to declair his will and pleasour towardis us,"—therefore Angus M°Coneill of Dunyvaig, Sir James M°Conill, his son and apparent heir, and Archibald M°Coneill of Giga, bind and oblige themselves, under pain of forfeiture of their lands and heritage, not to harm or trouble the soldiers in the possession of the said house. And the said Angus, as principal, and Neill M°Cay (M°Ky), officer ("crunair") of the Rynnis (Ryndis of Illeay), Ranald M°Eane, "coronell of the Harrie," and Donnald M°Cay (officer), "coronell of the Oo and Clergye," as sureties, become bound to pay the soldiers £240 by the 10th March next for their expenses in keeping the said house.—The band is subscribed by the parties at the Cannogait, 10th February, before Robert Hepburne, Lieutenant of the Guard, Johne Trumble, one of the Guard, James Fogo, servitor to the Lord Elphingstoun, and James Prymrois, writer hereof,—the last subscribing for the Laird of Giga. MacDonald of Dunivaig and others.

Fol. 47, a.

Robert Herreot, apparent of Trabroun, for Francis Wauchope of Nudrie-Merschell, 2000 merks, not to harm Mr James Wode, brother of Sir David Wode of Craig. Edinburgh, 11th February. Francis Wauchop.

Patrik Dumbar in Inchebrok for Alexander Richardsoun, minister at Dolles, £300, not to harm William Ferquharsoun of Kelles. Alexander Richardson.

Fol. 47, b.

Thomas Monypenny of Kinkell for Johnne and James Hendirsonis, brothers of Mr Robert Hendirsoun of Hollen, either of them in 500 merks, to answer before the Council upon 15th May next to a complaint made against them for which they are warded in the Castle of Kirkwall,—Mr Johnne Clapen of Ballendager and the said Mr Robert becoming sureties in relief. Edinburgh, 13th February. John and James Henderson.

James Dalzell, merchant, burgess of Edinburgh, appears as procurator for Johnne, Lord Maxwell, and consigns 480 merks to be delivered to Gawin Home of Johnnescleuch, conform to the Act of Secret Council, and that for obedience of the letters of horning used against the said Lord for non-payment of the said sum, and £100 as expenses: for which latter sum action is reserved to Home against the principal persons for whom the said Lord had been charged. Lord Maxwell.

Alexander Gordon of Cluny for Mr James Wode, brother of the Laird of Craig, £1000, not to harm Francis Wauchope of Niddrie Merschell. Edinburgh, 14th February. Mr James Wood. Gavin Home.

Fol. 48, a.

Gawin Home of Johnescleuch appears before the Council and admits having received from James Prymrois, Clerk of Council, in name of Johne, Lord Maxwell, the sum of 480 merks as principal contained in a decree obtained at his instance against the said Lord before the Privy Council; who, however, assoilzied Lord Maxwell from the payment of £100 as expenses of the action, but without prejudice to the action competent

to Home against Cristie Armestrang, called Geordie's Cristie, as principal, and William Maxwell, apparent of Tinwald, and Johne Maxwell in Hoilhous, as sureties for the said Cristie for payment of the said £100 as expenses mentioned in their letters obligatory to him thereupon.—The band, written by Robert Spreull, servitor to Mr Johnne Scharpe, advocate, is subscribed at Edinburgh, 14th February, before Androw Clerk, citizen of Sanctandrois, and Alexander Wylie and Edward Mekiljohne, servitors to said James Prymrois. Acta Caut. 1605–1607. Fol. 48, b.

Edinburgh, 18th February. Hector MacLean of Duart.

James, Earl of Glencairne, for Hector M°Clayne of Dowart, £10,000, (1) that he shall deliver the house of Dowart to such persons as shall be sent by the Council to that effect; (2) that he shall come to Glasgow and there satisfy the Comptroller for all bygone duties for his lands, and thereafter underlie such order as shall be given to him by the Council; (3) that there shall be sustained upon his expenses in the house of Dowart six men to be appointed by the Comptroller for keeping the same, each of them receiving £10 monthly from 1st March to 1st August next, and that they shall be in "saulftie" in their bodies and lives,—assisted when required by Hector's friends; (4) that, if, at his entry before the Comptroller, he agrees not to the conditions of the Council, he shall be "frie to gang at his pleasour, and his Heynes to persew him as his Majestie sall think expedient."—The band, registered and written by Waltir Doig, servitor to my Lord Comptroller, is subscribed at Falkirk, 15th February, before Hew Glen of Lintillis, "our servitor," William Cunynghame, "our brother," Mr James Cuninghame of Monthgrenen, the Laird of Balvaird, and the said writer hereof.

Edinburgh, 20th February. Andrew Crichton.

Sir James Douglas of Drumlangrig for Androw Creichtoun, his servant, £5000, to answer before the Council on 25th instant for the "persute and invasioun" of Urquhart, servitor to the sheriff of Cromartie, on the high street of Edinburgh. Fol. 49, a.

Sheriff of Cromarty.

Johnne Gordoun of Bucky for Urquhart of Culbo, sheriff of Cromartie, £5000, not to harm the said Androw Creichtoun or his servants.

Edinburgh, 21st February. Lachlan MacKinnon.

Archibald, Earl of Ergyll, for Lauchlane M°Kynnoun of Strathordell, £5000, that, when freed furth of his present ward in Edinburgh, he shall by 26th instant at night satisfy the Privy Council in all things required of him, or else by the said day re-enter in ward in the said Castle.—The band, registered by Mr Henry Balfour, advocate, and written by Edward Mekiljohne, servitor to James Prymrois, Clerk of Council, is subscribed at Edinburgh, 21st February, before Johne, Lord Murray of Tullibairdin, Archibald Campbell, and Mr Ronnald Bayne. Fol. 49, b.

Edinburgh, 22nd February. Sir John Boswell.

Mr George Boiswall of Balgony, brother of Sir Johne Boiswele of Balmowto, for the said Sir Johne, to pay to Johne Steill, principal tacksman of the teindsheaves of the parish of Auchtertule, 50 merks for his part of the taxation of 100,000 merks granted to his Majesty in February 1601, in case it be found that he ought to do so.

William Maxwell in Barquhillandie for Rowy M°Millane in Bar, to pay

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to the Treasurer, within 40 days, 20 merks for his escheat through being denounced at the instance of the late Nicoll Maxwell of Arkland for non-payment to him of 6s. 8d. as for his relief of his part of the taxation of 100,000 merks. Edinburgh, 3rd March. Rowy MacMillan.

Fol. 50, a.

Sir James Creichtoun of Ruthvenis for Sir James Creichtoun of Frendraucht, £1000, to obtain himself by 15th May next relaxed from the horning used against him by Henry Umphra, sometime at the Mill of Frendraucht, and William, Robert, and James Umphras, his sons and assignees appointed by him, for not fulfilling a contract made between the said Sir James and the said Henry, dated at Abirdene 1595,—whereupon a commission had been given to the Captain of the Guard to apprehend him; also to procure a discharge to them of the said contract or else by the said day enter his person in ward in the Castle of Edinburgh. Edinburgh, 6th March. Sir James Crichton.

William Maxwell in Barquhillandie for Alexander Gordoun in Marcartney and Cuthbert M°Gauchane in Lochnikit, to pay to the Treasurer, within 40 days, £10 for their escheat as being put to the horn at the instance of the late Nicoll Maxwell of Arkland for not paying him, as their parts of the taxation of 100,000 merks, the sums following, viz. Gordoun 11s. 4d., and M°Gauchane 6s. 8d. Also Maxwell consigns the said sums in the hands of James Primrois, Clerk of Council, to be delivered to the persons having interest therein at the discussing of the suspension raised thereupon. Farther, Maxwell becomes bound that

Fol. 50, b.

the said principals shall pay to the heirs of the said Nicoll such other sums as the Lords of Secret Council shall find that they ought to pay as the tax of their teinds. Alexander Gordon and Cuthbert MacGauchan.

William Dowglas of the Mar for Archibald Charteris, brother of Sir Johne Charteris of Amisfeild, £500, not to harm the said Sir Johnne, William Stoddart, Stoddarttis, sons of Mathew Stoddart, Ranyng in Park, Niniane Johnestoun in Bordlandis, Rob Johnestoun in Rowantrieknow, Johne Charteris in Bertempnand, Katherene Johnestoun in Merkinflett, Androw Bell betwixt the Larkis, Jok Bell there, Willie Bell there, Willie Brand in Kers of Dalrustand, Dinwiddie there, Lokarbie there, Jok Neilsoun there, Osie Porter there, Thomas and James Purdeis there, Archibald Kirk there, Johne Well there, James Burges there, James Carsoun there, and James Lochand. Edinburgh, 10th March. Archibald Charteris.

Robert Colvill of Cleische for Androw Thomesoun in Sawlingschaw, and for William and Alexander Thomesones, his brothers, the surety's tenants, 500 merks each, not to harm Johne Rowane of Craighows, William Bennett, portioner of Balgour, Eduard Rowane in Burnesyde, Nicoll Rowane of Bandrum, William Rowane of Kynnether, Nicoll Rowane of Sandiedube, or William Rowane, his son.—The band, registered

Fol. 51, a.

by James Kay, advocate, and written by Eduard Meklejohne, servitor to James Prymrois, Clerk of Council, is registered at Crumby, 1st March, before Mr Alexander Colvill, brother of Johne, Commendator of Culrois, Thomas Lyell, and Robert Home, "my servitour." Edinburgh, 13th March. Andrew Thomson and his brothers.

Sir Androw Ker of Phairnyhirst for Robert Berope of Berope, 300 Edinburgh, 17th March.

Robert Berope. merks, to answer before the Council on 24th April next to a complaint made against him by Sir Johne Ker of Hirsell for reiving furth of the lands of 13 kye and oxen, 40 sheep, and 6 horses and mares, belonging to the said Sir Johne and his tenants; also to pay to the Treasurer £20 for his escheat within 40 days hereof.—The band, registered by Mr Alexander King, advocate, is subscribed at Phairnihirst, 1st March, before Androw Ker, son of Thomas Ker of Caveris, Johne Ker and Johne Turnebull, "my servitouris." Acta Caut. 1605–1607.

Edinburgh, 22nd March. Andrew Meldrum. Johne Elphingstoun of Schelmes for Androw Meldrum of Drumbrek, £1000, not to harm Peter Sandersoun, tailor, burgess of Edinburgh. Fol. 51, b.

Edinburgh, 24th March. James Mitchell and James Alexander. George Currour, fiar of Inchedrour, for James Alexander (Alshunder) and James Mitchell, co-burgesses of Banff, £500 each, not to harm Walter Currour of Inchedrour, conform to the King's letters dated 14th February last.—The band, registered by Mr James Donnaldsoun, advocate, is subscribed at Banff, 14th March, before Henry Walwode in Banff, Johne Broun there, Archibald Andersoun there, Robert Cok, ferrier there, Walter Leslie there, and Mr Johne Scott, writer hereof,—the last subscribing for James Mitchell.

Archibald Mair. Thomas Kennedy, burgess of Banff, for Archibald Mair in Montcoffer, 500 merks, not to harm Walter Currour of Inchedrour.—The band, registered by Mr Alexander Cuming, advocate, and written by George Scheroun in Banff, is subscribed there, 18th March, before William Duncane, burgess of Banff, and said writer hereof,—Mr George Chalmer, notary, and Mr James Scott, notary, subscribing for the principal and surety. Fol. 52, a.

James Cumming. Alexander Cowy, burgess of Banff, for James Cumyng, fisher in Banff, 200 merks, not to harm Walter Currour of Inchedrour.—The band, registered and written as above, is subscribed at Banff, 18th March, before William Reid in Banff, Androw Dumbar, messenger, and the said writer hereof,—Mr George Chalmer, notary, subscribing for the principal. Fol. 52, b.

Violet Johnstone and others. Mr Thomas Ogilvy of Inverrichnie for Violet Johnestoun, relict of Mr Alexander Barclay, burgess of Banff, Mr George Chalmer, burgess there, and Walter Dumbar, burgess there, £500 each, not to harm Walter Currour of Inchedrour.—The band, registered by Mr Alexander Cumyng, and written by Henry Stewart, servitor to the said Mr George, sheriff clerk of Banff, is subscribed there, 17th March, before Henry Lisk, burgess there, Thomas Kynoch there, George Scheroun there, and the said writer hereof,—Mr John Scott, notary, subscribing for Violett Johnestoun. Fol. 53, a.

Walter Scott in Banff. Alexander Cowy, burgess of Banff, for Walter Scott, son of the late Alexander Scott, burgess of Banff, 500 merks, not to harm Walter Currour of Inchedrour, conform to the letters of lawburrows dated 14th February 1606.—The band, registered by Mr Alexander Cumyng, advocate, is subscribed at Banff, 17th March, before Philp Nisbit, George Scott, Johne Smolt, burgesses of Banff, and Donnald Schand, writer hereof.

Elizabeth Brockie in Banff. Williame Duncane, burgess of Banff, for Elizabeth Brokie, relict of Johne Baird in Gowennie, £500, not to harm Walter Currour of Inchedrour.—The band, registered by Cumming, and written by George Fol. 53, b.

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Scheroun in Banff, is subscribed there, 18th March, before George Stewart, servitor to the surety, Walter Dunbar, burgess of Banff, and said writer hereof,—Mr George Chalmer and Mr Johne Scot, notaries public, subscribing for the said Elizabeth.

Mr George Chalmer, burgess of Banff, for Mr Thomas Ogilvy of Innerrichny, 1000 merks, not to harm Walter Currour of Inchedrour. Mr Thomas Ogilvy.

Fol. 54, a. —The band, registered by Cumyng, and written by George Scherund in Banff, is subscribed there, 17th March, before Henry Lisk, burgess in Banff, Henry Stewart there, Thomas Kynoch there, and said writer hereof.

Mr Thomas Ogilvy of Innerrichny for William Duncane, burgess of Banff, 1000 merks, not to harm Walter Currour of Inchedrour, conform to the charge given to him of date 14th February last.—Band, registered by Cumyng, is subscribed at Banff, 18th March, before Mr Johne Ogilvy, brother of Sir George Ogilvy of Dunlugus, James Mitchell, servitor to the said Mr Thomas Ogilvy, George Stewart, servitor to Duncane and Alexander Androw, writer hereof. William Duncan in Banff.

Fol. 54, b. Alexander Currour, burgess of Banff, for George Currour, fiar of Inchedrour, 1000 merks, not to harm Walter Currour of Inchedrour.—The band, registered by Cumyng, and written by Mr George Chalmer, notary, is subscribed at Banff, 15th March, before Walter Dunbar, burgess there, Henry Stewart there, George Stewart there, and the said writer hereof. Curror of Inchdrower.

Walter Dunbar, burgess of Banff, for Henry Lisk, burgess there, Marjorie Hay, relict of Johne Andersoun there, Alexander Currour, burgess there, Thomas Kennedy, burgess there, Thomas Kynoch there, and William Nicoll, burgess there, £500 each, and for Patrik Mair, burgess there, 500 merks, and for Archibald Forsyth, burgess there, 200 merks, not to harm Walter Currour of Inchedrour.—The band, registered by Mr Alexander Cumyng, advocate, and written by George Scherond in Banff, is subscribed at Banff, 17th March, before Mr Thomas Ogilvy, George Skadkill, Henry Stewart, and the said writer hereof,—Mr George Chalmer and Mr John Scot, notaries, subscribing for Marjorie Hay, Thomas Kennedy, William Nicoll, Patrik Mair, and Archibald Forsyth. Henry Leask and others in Banff.

Fol. 55, a.

Johnne Touris of Herperdane, as principal, and Patrik Touris, his brother as surety, *et vice versa*, 1000 merks each, not to harm Johnne Young of Herperdane. Edinburgh, 26th March. John Towers and his brother.

Fol. 55, b.

Johne Mathiesoun, portioner of Brouchtoun, for Marioun Creichtoun, relict of Johne Touris of Inverleith, 2000 merks, not to harm Johne Young of Herperdane. Lady Inverleith.

Alexander Wilkiesoun, burgess of Lawder, for William Pringle, burgess there, £500, not to harm Adam Moffet, burgess of Lawder. Edinburgh, 28th March. William Pringle.

Alexander Durie, tailor, burgess of Edinburgh, for Sir Robert Stewart, tutor of Tracquair, £1000, and for Walter Stewart, his brother, 500 merks, not to harm James Pringle, apparent of Bucholme, Johne Pringle of Tynnes, James and Thomas Pringlis, his brothers. Edinburgh, 29th March. Sir Robert Stewart and his brother.

Fol. 56, a.

Mr Thomas Cranstoun of Morestoun for Petir Sandirsoun, tailor, burgess of Edinburgh, £500, not to harm Andro Meldrum of Drumbrek. Peter Sanderson.

Edinburgh, 31st March. William Barclay in Montrose.

Johne Foullartoun of Kynnaber for William Barclay, burgess of Montrois, £1000, not to harm Walter Barclay, son of George Barclay of Matheris.—The band, registered by Mr Johne Leirmonth, advocate, and written by Henry Smart, notary, is subscribed at Montrois, 28th March, before William Mucky, Androw Bradie, Thomas Andersoun and Robert Erskene, both burgesses there, John Wischart, notary, and Henry Smart, notary. Acta Caut. 1605–1607. Fol. 56, b.

Edinburgh, 1st April. Hucheon Ross.

Alexander Dumbar of Culboyak for Hucheoun Ros, apparent of Ballamukie, to pay to the Treasurer £20 for his escheat goods in case it be found that he has been orderly denounced rebel at the instance of George Sinclair of May for his indemnity.

James Pringle and others.

George Pringle of Newhall for James Pringle of Gallowscheillis, 1000 merks, and for George Pringle in Hoppringle, Robert and George Pringles, brothers of the said George, 400 merks each, not to harm Robert Tait in Nether Stitchell.

Edinburgh, 2nd April. John Stewart.

Walter Stewart of Kirkland for Johnne Stewart of Foulsheill, 500 merks, not to harm James Pringle, apparent of Bukholme, Johnne Pringle of Tynnes, James and Thomas Pringlis, his brothers. Fol. 57, a.

Mr James Borthwick and son.

William Harvie, son of the late Mr William Harvie, advocate, for Mr James Borthuik of Lochehill, and James Borthuik, fiar thereof, either of them in 1000 merks, not to harm Hew Bairnisfather in East Spittell or Veitche there.

Edinburgh, 3rd April. George Pringle and others.

James Pringle of Gallowscheillis for George Pringle of Newhall, 1000 merks, and for Johne Pringle, son of David Pringle of Bardarroch, and Johne Pringle, brother of the Laird of Newhall, either of them in 400 merks, not to harm Robert Tait in Nether Stitchell.—The band, registered by Mr Adam King, advocate, and written by Mr Alexander Wylie, servitor to James Prymrois, Clerk of Council, is subscribed at Gallowscheillis, 1st April, before William Cunynghame, servitor to the Goodman of Gallawscheillis, William Wilsone there, and Thomas Pringle there. Fol. 57, b.

Edinburgh, 9th April. Henry Kinnear.

Androw Imrie, portioner of Fordell, for Henry Kynneir of Straburne, 500 merks, not to harm Johne Dais, flesher in Cowper.—The band, registered by Mr Robert Boyd, advocate, and written by Alexander Litlejohne, notary, is subscribed at Fordell, 6th April, before James Reid and Johne Gourlaw. Fol. 58, a.

Edinburgh, 18th April. Patrick Maxwell.

Johne Cuninghame of the Rawis for Patrik Maxwell of Newark, to pay to the Treasurer 100 merks for his escheat, or else to obtain nullity of the horning used against him for not subscribing an assurance to Sir James Maxwell of Calderwode and certain others specified in the said assurance.

James Cheyne and Martin Vaughan.

Robert Forbes of Auldtoun-Wardes for James Cheyne in Pitslego and Martene Vaan there, not to reset or intercommune with Patrik Cheyne of Essilmonth, James Cheyne of Pennan, Alexander Cheyne, Androw Strauchan, Walter Gordoun, William Torriour (? Turnour), Androw Blak, servitors to the said Patrik, and James Walker, declared rebels, conform to the charge given to them at the instance of Alexander Fraser, apparent of Phillorth, under the pains therein specified.—The Fol. 58, b.

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band, registered by Mr Umphra Blinsele, advocate, and written by Magnus Ogstoun, notary, is subscribed at Pitslego, 10th April, before Normand Forbes, son of the late Johne Forbes in Auchannassie, Robert and William Forbessis, sons of the late Mr Arthour Forbes, portioner of Wardes, and the said Magnus Ogstoun, writer hereof,—the last subscribing for the principals.

Edinburgh, 19th April. Fraser, younger of Phillorth, and others.

Robert Stewart of Innernorth for Alexander Fraser, younger of Phillorth, 1000 merks, and for Johne Findlattir in Pettulli, James Cheyne there, James Fynny there, and Cuthbert Findlattir there, 300 merks each, not to reset, supply, or intercommune with Patrik Chene of Essilmonth while he

Fol. 59, a.

remains unrelaxed at the process of horn to which he had been put for not paying to Johne Forbes of Auldmylne 500 bolls of oatmeal, with a peck to each boll thereof.—The band, registered by James King, advocate, is subscribed at Fraserburgh, 14th April, before Alexander Stewart in Ballagartie, Alexander Ogstoun and Androw Fraser, servitors to the Laird of Phillorth, younger.

Edinburgh, 22nd April. John Callander and others.

Johne Porterfeild of Chapeltoun for Johne Callendar in Westertoun of Bothkenner, Henry Johnestoun in Kirktoun there, Johne Simpsone in Grange there, James Callendar in Newtoun there, James Mure there, Johne Andersone in the Mains there, George Forrester there, Johne Simsone in Grenedyk there, Alexander Craufurd there, Harie Grhame in Mekle Wode, Walter Grhame, his son, and Johne Wycht in Arnepryour, to repair to the burgh of Striviling and there buy from Sir Michaell Balfour of Balgarvy, or from Johne Jamesoun and James Lowrie, his factors, such armour as is enjoined to them by the Act made thereanent, in case it be found that they ought to do so.—The band, registered by Mr

Fol. 59, b.

Thomas Houpe, advocate, and written by Alexander Barclay, notary, is subscribed at Striviling, 20th April, before Thomas Ewing, servitor to Johne, Earl of Mar, and Williame Lambe, notary public.

Edinburgh, 29th April. George Leslie.

David Leslie of Otterstoun, and James Leslie, fiar thereof, his son, for George Leslie of the Wreithis, alleged chamberlain of the lordship of Lundoris, to pay Ludovick, Duke of Lennox, and Johne, Earl of Mar, collectors general of the taxation of 100,000 merks granted to his Majesty in February 1601, or to Archibald Prymrois, their factor, the sum of £574 as for the tax of the said lordship, in case it be found that he ought to do so.—The band, registered by James King, advocate, and written by Eduard Mekiljohne, servitor to James Prymrois, Clerk of Council, is subscribed at Otterstoun, 29th April, before James Logane, Johne Bell and William Leslie, "our servitouris."

Tyrie of Drumkilbo and others.

James Scrymgeour of Fardle and Androw Herring of Little Blair for William Tyrie of Drumkilbo, £1000, for Lilias Gray, his mother, 1000 merks, and for James Broun, his servant, Walter Flouris in Drumkilbo, George Patsone there, William Flouris there, Johne Blak there, Johne Mitchell there, Johne Lowsoun there, William Tyrie there, Thomas Ramsay there, Robert Haiknay there, and Johne Adame there, 200 merks each,

Fol. 60, a.

not to harm Johne Nevay of that Ilk, conform to the two letters of

lawburrows executed against them, one dated at Perth 27th September 1604, and the other at Edinburgh 16th September 1605.—The band, registered by Mr Oliver Colt, advocate, and written by Thomas Donaldsoun, writer in the Kirktoun of Retray, is subscribed at Little Blair and Balbuchtie, 27th and 28th April, before Archibald Herring of Wester Drymmie, Androw Herring of Callie, his son, Donnald Cargill, notary public, the said writer hereof, Sir David Herring of Lethindie, James Herring, his servant, David Lindsay of Balgay, and Gabriell Guthrie, his servant. Acta Caut. 1605–1607.

Edinburgh, 1st May. Andrew Abercromby.

James Monypenny, fiar of Pitmillie, for Androw Abercrumby of Straurdy, £1000, not to harm Johne Boiswell of Craigsyde. Fol. 60, b.

John MacClay and Thomas Gillillan.

David Cunynghame of Ibert for Johne M^c^Clay of Boddisglen and Thomas Gilphillane in Heidroume of Ardinancoell, to buy armour from the Laird of Burley conform to the Act made thereanent, if it be found that they should do the same.—The band, registered by Mr Johne Leirmonth, advocate, and written by Goerge Mak, ordinary writer to his Majesty's signet, is subscribed at Striviling, 26th April, before the said writer, Johne Wrycht in Arnepryour, Johne Robesone, flesher in Striviling, —William Lamb, notary, subscribing for the principals.

Edinburgh, 2nd May. John Penicuick and others.

Johne Stewart of Airnetullie for Johnne Pennycuke in Craigtoun, £1000, and for Thomas Young in Buteirstoun, Cristeane M^c^Condoquhy, relict of James Husband there, William Andirsoun in Newtoun, and James Kewin there, 500 merks each, not to harm Williame Banerman of Laduikie.—The band, registered by Mr George Abirnethie, advocate, and written by William Fyff, notary, is subscribed at Dunkeld and Roitmell, 29th April, before William Ambrois, younger, portioner of Fongorth, David Murray, officer in Dunkeld, Robert Eldair, messenger, Johne Kilt, writer, Laurence Banerman of Cardneis, Robert Hay, portioner of Capeth, Thomas Stewart, the surety's brother, William Fyff, and Robert M^c^Ruith, notary, —the last two subscribing for the surety and principals. Fol. 61, a.

David Rollock.

Henry Gudlett of Uphall and Robert Johnestoun of Powmylne for David Rollok of the Powhous, to buy from Sir Michaell (? William) Balfour of Burley a stand of horsemen's armour, conform to the Act made thereanent, in case it be found that he ought to do so.—The band, registered by Mr Thomas Rollok, advocate, and written by Lawrence Keir, servitor to the said Mr Thomas, is subscribed at Uphall and Powmylne, 2nd May, before Nicoll Gibsone, Johnne Kais, and Hercules Rollok. Fol. 61, b.

Edinburgh, 5th May. Adam MacRitchie.

Johne Pennycuke of Craigtoun for Adame M^c^Richie, officer in Laichwode, 1000 merks, not to harm Williame Banerman of Laduky.—The band, registered by Mr Lawrence M^c^Gill, advocate, and written by William Fyffe, notary in Dunkeld, is subscribed there, 19th April, before Robert Elder, messenger, David Murray, officer, Thomas Sandersone, officer in Dunkeld, and William Ambrose, portioner of Fongorth,—William Fyffe and Robert M^c^Reych, notaries, subscribing for the surety and principal. Fol. 62, a.

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James Pringle of Quhytbank for George Home of Quhytlaw, not to harm Sir George Home of Woddirburne, under the pains contained in the King's letters. George Home.

Fol. 62, a.

James Forbes of Lethintie for James Gareauch of Kinstair, 1000 merks, not to reset or intercommune with Johne Forbes, brother of William Forbes of Corsindae, William Forbes in Tullivaill, Robert Skene, tutor of that Ilk, Patrik Forbes *alias* M°Neir, Walter Wode in the Kirktoun of Skene, or Mr Gilbert Johnestoun, son natural of late Mr William Johnestoun of Standandstanes, while they remain at the horn to which they had been put for not answering before the Justice in the tolbooth of Edinburgh for the slaughter of , committed by them. Edinburgh, 6th May. James Garioch.

Fol. 62, b.

Alexander Lumisdane of Clova for Arthour, Master of Forbes, £1000, not to reset or intercommune with William Forbes in Torryvaill, Johne Forbes, brother of the Goodman of Corsindae, Robert Skene, called tutor of Skene, and Patrik Forbes *alias* M°Eaneir, Mr Gilbert Johnestoun, son natural of the late Mr William Johnestoun of Standandstanes, Walter Wode in Kirktoun of Skene, or David Falconer, servitor to the late David Ros M°William, while they remain at the horn to which they had been put at the instance of Johne Irwing of Ardcanfurd, Johne Chalmer, younger in Balnacraig, and Mr Patrik Irwing in Corriwachtie, for the slaughter of Robert Irwing in Baidis, and William Broun, servitor to Johne Irwing in Ardcanfoord. The Master of Forbes.

James Forbes of Lethintie for Patrik Forbes of Cors, 1000 merks, in manner and for the cause abovewritten. Forbes of Corse.

Fol. 63, a.

James Gareauch of Kinstair for James Forbes of Lethintie, 1000 merks, also in manner and for the cause abovewritten, conform to the charge given to the said James Forbes by Alexander George, messenger, at the instance of Alexander Irwing of Drum, Johne Irwing, his brother, and the others therein mentioned.—The band, registered by Mr Alexander Cumyng, advocate, and written by Johne Robertsone, notary public, is subscribed at Hauchtoun, 30th April, before Robert Forbes in Inner, Alexander Gareauch in Meikle Edindowie, writer foresaid, and Alexander Andersoun in Hauchtoun. Forbes of Lethenty.

William Forbes of Corsindae for Charles Chalmer in Wester Fintrey, 300 merks, also in manner and for the cause foresaid.—The band, registered by Mr Lawrence M°Gill, advocate, is subscribed at Corsindae, 1st May, before Mr Gilbert Skene of Wester Cors, Johne Gareauch in Bromefeild of Corsindae, Johne Robertsoun, notary public, and Robert Mylne, writer hereof. Charles Chalmers.

Fol. 63, b.

Alexander Mure of Cotland for Patrik, Earl of Orknay, 2000 merks, to buy from the Laird of Burley 20 stand of horsemen's arms in case it be found that he ought to do so. Edinburgh, 7th May. Earl of Orkney.

Mr Jerimie Lindsay of Dimynno for James, Earl of Athoill, 4000 merks, not to harm William Banerman of Ladoukie.—The band, registered by Mr Lourence M°Gill, advocate, and written by Andro Gourlaw, servitor to James Kynneir, writer to the signet, is subscribed at Leith, 7th May, Earl of Atholl.

before Mr Hew Douglas and James Wode, servitors to Mr David Lindsay, Bishop of Ros. Acta Caut. 1605–1607.

Earl of Atholl. Mr Jerimie Lindsay of Dymynno for James, Earl of Athole, to pay to David Coupair, factor of the priory of Charterhouse, beside the burgh of Perth, the sums after mentioned, if it be found that he ought to do so, as part of the following taxations granted to his Majesty for defraying the charges of his marriage, of the baptism of the Prince, and of the embassy to foreign nations: viz., for the lands of Clunes, Camnoch, and Logeret, £53, 3s. 4d., for Wester Drumfallances £19, 12s. 6d., for the Mill of Pettincreif £4, 6s. 8d., for Easter Dumfallances with the other half thereof £13, 18s., for Pitlochrie with the Glen £32, 5s. 8d., for Balladollane with the Glen £10, 1s. 6d., for Drumquhorie £10, 12s. 6d., for Balnacraig £10, 12s. 6d., for Balladmond £16, 11s. 6d., for Dalchenis £36, 9s. 3d., for Ballachandes, Ballindanoch, and Belyetoun £34, 6s. 8d., for Pitcastell £7, 9s. 6d., for Ballagowun £7, 9s. 6d., for Putigie £7, 9s. 6d., for Easter Tye £10, 14s. 6d., for Wester Tye £9, 12s. 10d., for Wester Balliyellanoch £9, 12s. 10d., for Easter Belliyellanoch £9, 12s. 10d., for the two Ballachanes £22, 12s. 10d., and for Punacreiffis £18, 5s. 8d.—The band, registered by Mr Lourence M°Gill, advocate, and written by Andro Gourlaw, is subscribed at Leith, 7th May, before Mr Hew Dowglas and Thomas Davidsoun. Fol. 64, a.

Alexander Forbes and others. Arthour, Master of Forbes, for Alexander Forbes of Blaiktoun, William Forbes of Polfluge, and Johne Lumisdane of Cuschne, 1000 merks, and for Johne and Alexander Forbessis, sons of the Laird of Polfluge, either of them in 500 merks, not to reset or intercommune with William Forbes in Tirrivaill, Johne Forbes, brother of the Goodman of Corsindae, Robert Skene, called tutor of Skene, Patrik Forbes *alias* M°Enneir, Mr Gilbert Johnestoun, son natural of Mr William Johnnstoun of Standandstanes, Waltir Wode in Kirktoun of Skene, or David Falconer, servitor to late David Ros M°William, while lying at the horn to which they had been put by Johne Irwing of Ardcanfurde, Johne Chalmer, younger in Balnacrag, and Mr Patrik Irwing in Corrivachtie, for the slaughter of William Irwing in Baidis and William Broun. Fol. 64, b.

Edinburgh, 8th May. John Cunningham. Bryce Blair, apparent of that Ilk, for Johne Cunynghame of the Rawis £500, not to harm Johne Connell in Mains of Grugar, Thomas Connell there, or Johne Wricht in Kabrikhill.

Donald Millar and others. Arthour, Master of Forbes, for Donnald Myllar, William Myllar *alias* Forbes in Deanemylnes, and Donnald Moir in , 500 merks each, to answer before the Council when charged to the complaint against them by Thomas Clerk, servitor to Alexander Dumbar in Bennegfeild, for coming on 24th September last at night to the Mill of Pittondochie and "tirving of the said Thomas and leisching him with brydillis and beltis." Fol. 65, a.

John Nevay and others. George Foullartoun of Denune and Gilbert Thornetoun of that Ilk for Johne Nevay, elder of that Ilk, and Johne Nevay, younger of that Ilk, his son, either of them in £1000, for Mr William Nevay, his brother, and Alexander Lovell, either of them in 500 merks, and for Alexander Nevay and Johne Quhyte, his servants, Johne Moncur, David Smart, Johne

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Kaa, Johne Donnaldsone, Johne Strauchane, George Myllar, Thomas Auchinlek, and Patrik Craigdelie, all in Kirkinche, 300 merks each, not to harm William Tyrie of Drumkilbo or Lilias Gray, his mother, liferentrix thereof.—The band, registered by Mr Alexander Peblis, advocate, and written by Abrahame Piggot, notary, is subscribed at Glamis and Haltoun of Essie, 7th May, before Mr George Symmer, minister at Essie, Mr Thomas Haliburtoun, brother of the Laird of Pitcur, Archibald Wrycht in Glamis, said Piggot, David Broun, minister at Glamis, and George Lamb, brother
Fol. 65, b. of the late Johne Lamb of Dunkeny.

Mr Gilbert Skene of Wester Corssis for William Forbes of Corsindae, 1000 merks, not to reset or intercommune with William Forbes and his accomplices (*ante*, p. 636).—The band, registered by Mr Alexander Syme,
Fol. 65, b. advocate, is subscribed at Corsindaue, 1st May, before Johne Gareauch in Bromefeild of Corsindaue, Patrik Forbes, servitor to the said William, Johne Cuschny, notary public, and Robert Mylne, writer hereof. Forbes of Corsinday.

William Forbes of Corsindaue for Johne Johnestoun of Corshill, 300
Fol. 66, a. merks, to the effect abovewritten.—The band, registered, dated and subscribed as above, is witnessed by Mr Gilbert Skene of Wester Cors, Johne Gareauch, Johne Robertsone, notary public, and Robert Mylne, writer hereof. John Johnstone.

Arthour, Master of Forbes, for Alexander Forbes of Towy, 1000 merks, to the same effect. Edinburgh, 12th May. Forbes of Towy.

Hector Monro of Assint appears, and in name of Hucheoun M^{c}Ky of Far consigns in the hand of James Prymrois, Clerk of Council, £26, 13s. 4d., as his part of the taxation of 200,000 merks for his twenty merkland of Far, for delivery to the sheriff of Invernes, in case it be found that law requires it. MacKay of Far.

George Dunbar of Balmure for Johne Kennedy of Blairquhan, £1000, to answer before the Council on 19th June next to the complaint of Johne Kennedy of Baltersane for his alleged reiving at night from the lands of the Mains and Green four score kye and oxen, twelve sheep, and two
Fol. 66, b. swine; also not to harm Thomas MacAlexander of Corsclayis, under the pains specified in the King's letters. Edinburgh, 14th May. Kennedy of Blairquhan.

Arthour, Master of Forbes, for Johne Ker in Auldfurd and Johne Forbes in Tullikerie, either of them in 500 merks, not to reset or intercommune with William Forbes and his accomplices foresaid (*ante*, p. 636). John Ker and John Forbes.

Johne Forbes of Pitsligo for Johne Forbes of Brux and Johne Forbes of Gnew, 500 merks each, not to reset Johne Forbes of Badiroan, brother of the Laird of Corsindae, and his accomplices foresaid (*ante*, p. 636).—
Fol. 67, a. The band, registered by Mr Alexander Sym, advocate, and written by Mr Alexander Lawsoun, notary in Edinburgh, is subscribed there, 16th May, before Mr Gerge Tod, writer in Edinburgh, Normand Forbes, "my servitour," and said writer hereof. Edinburgh, 16th May. John and John Forbes.

Hew Kennedy of Airreis for Sir Johne Dunbar of Mochrum, 2000 merks, not to reset or intercommune with Alexander M^{c}Kie of Balseir, or Johne M^{c}Kie, his son and apparent heir, rebels, conform to the charge given to Edinburgh, 17th May. Sir John Dunbar.

him at the instance of Johne M°Dowell of Freuch and Patrik M°Dowall in Freuch.—The band, registered by Mr Johne Schairp, advocate, and written by the said Hew, is subscribed at Mochrum, 14th May, before Johne M°Dill, notary public, Archibald M°Kie, James Mure, Alexander M°Culloch, apparent of Killaser. Acta Caut. 1605–1607.

Edinburgh, 19th May. William Mackie.

Patrik Edzer, burgess of Wigtoun, for William M°Kie of Keriquhirne, 1000 merks, not to reset or intercommune with Alexander M°Kie of Balseir, Johne M°Kie, his son and apparent heir, Nicoll M°Kie in Carsrigane, or Robert Kennedy in Balbeg, during their rebellion, as charged at the instance of Johne M°Dowell of Freuch and Patrik M°Dowell in Freuch.—The band, registered by Mr Isack Broun, advocate, and written by Alexander Purveyance, servitor to Johne Turner, notary, is subscribed at Wigtoun, 16th May, before Malcolm M°Kie in the Kirkland of Wigtoun, Johne M°Kie there, Johne Edzer, burgess in Wigtoun, the said notary, and writer hereof. Fol. 67, b.

Edinburgh, 20th May. John Ramsay.

William Seytoun of Kynnaird for Johne Ramsay in Hiltoun of Essie, 300 merks, not to harm Alexander Smyth in Haltoun of Essie.

Edinburgh, 21st May. Commendator of Monymusk and others.

William Forbes of Corsinda for Robert, Commendator of Monymusk, 1000 merks, and for Johne Forbes of Mylnebowy, and James Forbes, his son, either in 300 merks, not to reset William Forbes and his accomplices foresaid (*ante*, p. 636), who are at the horn at the instance of Johnne Irwing of Ardanfurd, Johne Chalmer, younger in Balnacraig, Mr Patrik Irwing in Corrivachtie, for the slaughter of William Irwing in Baidis and William Broun. Fol. 68, a.

Roger Gordon of Garvery.

Johne Gordoun of Troquhane for Roger Gordoun of Garverie, not to harm Androw M°Michaell in Craiginputtok, Johne Smyth there, Johne Haliday there, or M°Auchene there, under the pain of 1000 merks, as specified in the King's letters of date at Edinburgh 8th May last.—The band, registered by Mr Robert Lyntoun, advocate, and written by Johne Wilsone, apparent of Croglene, is subscribed at Troquhane, 17th May, before Alexander Kirkpatrik, brother of Sir Thomas Kirkpatrik of Closburne, Johne M°Molland in Troquhan, and the said writer hereof.

Edinburgh, 23rd May. Mr James Martin.

Androw Wode of Largo for Mr James Martene, minister, 500 merks, to answer before the Council on 27th instant to a complaint against him by his Majesty's Advocate touching "certane uncomelie specheis utterit be him in his sermone aganis his Majestie and his Counsale." Fol. 68 b.

Alexander Morton.

Hew Kennedy of Monnuncioun for Alexander Mortoun in Barquhany, 500 merks, not to reset or intercommune with Alexander M°Kie of Balseir, or Johne M°Kie, his son and apparent heir, while at the horn to which they had been put for not removing from the lands of Carsragane, Cassinfane, and Arneinord belonging to Johne M°Dowall of Frewche and Patrik M°Dowall.—The band, registered by Mr Johne Leirmonth, advocate, and written by Johne Dunbar, notary, is subscribed at Mochrum, 21st May, before Patrik M°Iroy, Johne M°Carnik, Johne M°Ewun, Archibald M°Kie, and Johne M°Dull, notary public.

William Sterling of Anchile for Adame Grenehill at the Mill of

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Struchill, Henry Neving there, and Johne Merser there, 300 merks each, and for George Condie there, and Thomas Condie, his brother, £100 each, not to harm William Bonnar in west side of Condie. Adam Greenhill and others.

Fol. 69, a.

Roger Duncanesoun, merchant, burgess of Edinburgh, for Johne Hamiltoun in Auchinha, to pay to the Treasurer £20 for his escheat fallen by the horning used against him by the late Nicoll Maxwell. Edinburgh, 26th May. John Hamilton.

Johne Caddell of Migvie for Johne Forbes in Fichlie, 300 merks, not to harm Alexander Fyffe in Sonealoch, or Duncane Fyffe, his son. Edinburgh, 27th May. John Forbes.

Captain Johne Ker for Thomas Patersoun in Harlaw, and William Patersone, his brother, 100 merks each, not to harm William Winrhame in Easter Lumphoy. Thomas Paterson and his brother.

Fol. 69, b.

Johne Caddell of Migvie for Alexander Caddell of Eslowne, 1000 merks, not to reset or intercommune with William Forbes or any of his accomplices denounced for the slaughter of William Broun and Robert Irwing (*ante*, p. 636). Edinburgh, 28th May. Robert Caddel.

Roger M^{c}Naucht, merchant, burgess of Edinburgh, for Androw M^{c}Naucht in Larlach, Johne M^{c}Naucht in Marquhirne, Roger M^{c}Naucht in Two Merkland, Johne Scott in Larlach, Johne Scot in Tarbreach, Johne Dronane in Knokwalloch, and Fergus Dronane in Nether Kilquhunnatie, to pay to the relict of Nicoll Maxwell of Erkland such sums as they shall be found owing to him at the time of his decease for their parts of his relief of the taxation of 200,000 merks granted to his Majesty, besides the sums underwritten consigned by them in the hands of the Clerk of Council for delivery to the said relict—viz. said Androw 7s 6d., Johne M^{c}Naucht 10s., Roger 6s. 8d., Johne Scott 8s. 4d., Scott in Tarbreauch 20s., Johne Dronane 6s. 8d., Fergus 13s. 4d.; also to pay to the Treasurer, each of them, £10 for his escheat fallen by the horning used against them for not paying the said sums to Nicoll. Andrew MacNaught and others.

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William Forbes of Corsindae for Alexander Forbes of Colquhiry, 500 merks not to reset or intercommune with William Forbes or his accomplices foresaid denounced for the slaughter of Broun and Irwing (*ante*, p. 636). Edinburgh, 29th May. Alexander Forbes.

William Dowglas of Killivarrane for William Bell, called Reid of Cloke, 1000 merks, not to use hereafter sheilling or hunt in Tyndale, Riddisdaill, the Forest of Cheviot and Kidland *alias* Kidnald, or destroy the woods thereof, without license of George, Earl of Dunbar, keeper of the said bounds. Edinburgh, 30th May. William Bell.

Sir James Johnestoun of Dunskellie for David Johnestoun of Bettok, Francis Armestrang of Munkbiehirst, Androw Johnestoun of Locarbie, Niniane Johnestoun of Powdene, and Johne Carlile of Soupilbank, 1000 merks, to the effect abovewritten. David Johnstone and others.

James Johnestoun of Westraw for William Irwing, younger of Kirkconnell, and Robert Carlile of Brydkirk, either of them in 1000 merks, also to the effect foresaid,—William Cunynghame of Bonnytoun becoming surety in relief. William Irving and Robert Carlyle.

Fol. 70, b.

James Johnestoun of Westraw for Alexander Armestrang of Wauchop-

Alexander Armstrong.

wallis, called Sandie of Kynnonth, 1000 merks, also to the same effect, —William Bell of Blaikathouse becoming surety in relief. Acta Cant. 1605-1607.

Agnes Bannatyne.

Sir James Bannatyne (Bellendene) of Brochtoun for Agnes Bannatyne, relict of James Bannatyne of Pendrich, £1000, to spend the dues appointed to be uplifted by her by virtue of a commission dated 22nd instant upon the repairing of the bridge of Leswade and on no other use.—The band, registered by Johne Haliday, advocate, and written by Eduard Mekiljohne, servitor to James Prymrois, Clerk of Council, is subscribed at Edinburgh, 30th May, before Mr Adame Bannatyne (Bellendene), minister at Falkirk, Jachrie Forrester of Quenishauch, William Twedie, and William Polwart in the Cannogait.

Edinburgh, 31st May. John Brown in Gorgymill.

Johne Watsoun, portioner of Sauchtounhall, 1000 merks, Mr James Watsoun, portioner of Sauchtoun, 500 merks, James Halden, portioner of Sauchtoun, 500 merks, Harie Aikman in Bromehouse, Alexander Thomesoun in Langhirdmestoun, James Wynrame, portioner of Sauchtounhall, 500 merks, James Wilkie in Sauchtounhall 500 merks, and Daniell Coutis, portioner of the Dene, 500 merks, for Johne Broun in Gorgymill, that within three years hereof he shall finish a sure bridge for man and horse on the Water of Leith a little below Dalzellismill, and shall sufficiently repair the bridge called the Newbrig,—employing the whole sum allowed to be collected by him upon the said bridges.—The band, registered by Mr Robert Lyntoun, advocate, is subscribed at Edinburgh and Sauchtounhall, 30th and 31st May, before James Mowbray, skinner, burgess of Edinburgh, Mathew Cuming, notary public, Johne Edzer, writer, George Wilkie in Sauchtounhall, James Loch in Dalry mills, James Watsoun and Johne Wauch,—Robert Maxwell and James Justice subscribing for the sureties unable to write. Fol. 71, a.

Edinburgh, 2nd June. John and Matthew Punton.

Robert Mowbray, portioner of Dummany, for Johne Puntone in Echlyne, £1000, and for Mathew Puntone, his brother, 1000 merks, not to harm Robert Logy in Quenisferry. Fol. 71, b.

Edinburgh, 3rd June. David Gordon.

David Gordoun of Garlarg, as principal, and Archibald Stewart of Fintilloch, as surety, 1000 merks, not to harm Androw M°Mitchell in Craiginputtok, Johne Smyth there, Johne Haliday there, or M°Clauchrie there.

Edinburgh, 4th June. David Hog.

Johne Strahenry of Wester Lochgalie for David Hog in Strarudie, 500 merks, not to harm Johne Boiswele of Craigsyde, the said David and Andro Abircromie of Strarudie becoming sureties in relief. Fol. 72, a.

Thomas Inglis and Robert Tod.

Johne Strahenry of Wester Lochgalie for Thomas Inglis in Strarudy and Robert Tod there, not to harm Johne Boiswele of Craigsyde, under the pains in King's letters,—foresaid Andro becoming surety in relief.

John Neilson.

Johne Agnew of Blair for Johne Neilsoun of Craigcaffie, not to harm William Boyde of Auchrocher, under the pains in the King's letters.

Alexander Forbes and others.

Arthour, Master of Forbes, for Alexander Forbes of Tolleis, £1000, and for Johne Thomesone in Fichlie, Johne Forbes there, Duncane Forbes at the Mill of Tolleis, Alexander Thomesoun there, and Robert Forbes in Glak, 300 merks each, not to harm Alexander Fyffe in Synnaboith, or Duncane Fyffe, his Fol. 72, b.

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son, there,—the principals, Johne Forbes, Johne Thomesoun, and Duncane Thomesoun becoming sureties in relief.—The band, registered by Mr Robert Leirmonth, advocate, and written by Mr Arthour Andersone, notary public, is subscribed at Drummenour and Tolleis, 28th and 30th May, before Johne Forbes of Tullikerie, Robert Skene and William Forbes, servitors to the Master of Forbes, and the said writer hereof.

Edinburgh, 6th June. Alexander Smith and brothers.

Sir James Creichtoun of Ruthvenes for Alexander Smyth in Haltoun, and Waltir, Patrik, and Andro Smythis, his brothers, 400 merks each, not

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to harm Johnne Ramsay in Haltoun of Essie.

Edinburgh, 11th June. Sir James Scott and others.

James, Commendator of Melrose, for Sir James Scott of Abbottishall, £1000, and for George Seytoun, James Philip, and Thomas Barrie, his servitors, 300 merks each, to appear before the Council on 17th instant and bring with them Robert Burt, servitor to Robert Hepburne.

Edinburgh, 12th June. Adam Greenhill and others.

George Stirling of Ballaggane for Adame Grenehill at the Mill of Strowyhill, Henry Neving there, Johne Merser there, George Condie there, and Thomas Condie, his brother, £40 each, not to harm William Bonar in West-side of Condie.

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John Rob and spouse.

Henry Leis, burgess of Perth, for Johne Rob, glasswright, and Agnes Ramsay, his spouse, 300 merks of North Brittayne, to obey the decree of banishment pronounced against them by the Secret Council.—The band, registered by Mr Oliver Colt, advocate, and written by Patrik Brusoun, writer in Perth, is subscribed there, 3rd June, before Williame Donyng, David Chalmer, notary, said Brysoun, and Patrik Johnnestoun, writer in Perth.

Edinburgh, 14th June. Andrew Meldrum.

Robert Drummond of the Dole of Carnok for Androw Meldrum of Drumbrek, £100, to answer before the Council on 17th July next to a complaint against him by Alexander, Master of Elphingstoun, for taking the place of Drumbrek and not delivering it as charged; also to answer to the complaint of Magnus Mowatt, tiar of Boquhollie, for coming with the Laird of Geycht to his place of Boquhollie, shooting hagbuts and pistolets in at the windows thereof, and "ryding athort his cornes"; and, farther, to answer the complaint of William Duffus and Raulf Elmeslie for wounding them.

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Edinburgh, 16th June. Thomas Thomson and Duncan Thomson.

Robert Grhame of Cairnie for Thomas Thomesone at the Mill of Towy and Duncane Thomesone there, either of them in 200 merks, to answer before the Council on 17th July next to a complaint against them by Patrik Forbes of Bithny, for assaulting him, stopping his servants from leading his "fewall," and reiving certain linen cloth belonging to him.

Catherine Dunning.

Johne Vaus of Fornoch for Katherine Doning, spouse of Symone Loutfute in Pettinteane, £100, to answer before the Council on 24th July next to a complaint against her by the said Symone, for coming with others to his dwelling house at night and "stryking and dinging of him."

Edinburgh, 19th June. Katherine Crawford.

George Craufurd in Kirkconnell for Katherine Craufurd, relict of Robert Crychtoun, sometime of Ryhill, not to harm James Makmath, son and heir of late Johne Makmath of Castelgilmour, under the pains in the King's letters; also to pay to the Treasurer £10 for her escheat fallen by the horning used against her by the said James.

Edinburgh, 21st June. Charles Cairncross and others.

James Pringle of Quhytbank for Charlis Cairnecors in Birksneip, 1000 merks, and the said Charlis for William Sterling in Campaslak and George Thomesoun there, under the pains in the King's letters, not to harm Alexander Stoddert in Over Scheillis. Acta Caut 1605–1607. Fol. 74, b.

Edinburgh, 24th June. Daniell Johnstone.

Edward Johnstoun, younger, merchant, burgess of Edinburgh, for Daniell Johnstoun, cordiner, burgess there, 200 merks, to satisfy by Thursday next, 26th instant, Mr Johne Scot for the offence for which he is presently warded in the tolbooth of Edinburgh, and that at the sight of any two of the Secret Council whom Scot shall nominate.

George Douglas.

William Ker of the Third for George Dowglas of Annatroich, 1000 merks, not to harm Lancis Gaw, officer in Dalkeith. Fol. 75, a.

Alexander Spalding.

David Spalding, fiar of Eshintullie, and Johne Dow Spalding in Drumfork, for Alexander Spalding of Bletoun, 1000 merks, to answer before the Council on 17th July next to a complaint against him by William Chalmer, fiar of Drumlochy, and Thomas M°Ewne, his servitor, for assaulting them and the said William's family in the Place of Colquhat.

James Somerville.

Johne Grahame, burgess of Striviling, for James Sommervell, eldest son of the late Hew Sommervell of Spittell, 200 merks, to answer before the Council on 13th November next to a complaint against him by Robert Douglas of Todhollis, Hammiltoun, relict of William Sommervell of Spittell, and James Douglas, apparent of Wellis, her spouse, for intruding himself in the possession of the place of Spittell; also to pay to the Treasurer 10 merks for his escheat fallen for his not answering to the said complaint; farther, not to harm any of the said complainers.

Edinburgh, 25th June. Alexander Spalding and William Murray.

William Spalding of the Mill of Kethik for Alexander Spalding of Bletoun, £1000 Scots, now called North Brittayne, and for William Murray, servitor to David Murray of Soilyeareis, 300 merks, not to harm Thomas M°Ewne *alias* M°Intosche, servitor to William Chalmer, younger, now of Drumloquhy.—The band, registered by Mr Henry Balfoure, advocate, and written by Donald Neische, notary in Perth, is subscribed there, 22nd June, before David Spalding, apparent of Eschentullie, the said notary, and William Robertsoun, notary. Fol. 75, b. Fol. 76, a.

Perth, 1st July. Sir John Lindsay and others.

Sir Johne Lindsay of Wodwray, as principal, and William Wode of Lattoun, as surety, 1000 merks, and both for James Guthrie in Wodwray, George Willok there, William Mitchell there, Abrahame Wilsone there, Johne Kid there, Johne Bowman, George Hucheoun, George Croll, Anthone Johnestoun, Johne Wobster, James Bellie, James Carnegy, William Carnegy, Johne Jonkene, David Air, Johne Fyffe, Alexander Bowman, James Sandersone, Alexander Wobster, and Thomas Walloun, 400 merks each, not to harm James Betoun of Melgund. Acta Caut. 1591–1616. Fol. 85, a. Fol. 85, b.

John Ramsay.

Henry Ramsay of Ardewny for Johne Ramsay of Pryour-Lethame, 1000 marks, not to harm Johne Weymis of Craigtoun, or Robert Hucheoun in Lymbo, his tenant.

Perth, 2nd July.

Sir Johne Lindsay of Wodwray and Sir William Ochterlony of Kellie for Patrik Gordoun, brother of Gordoun of Geycht, not to harm Archibald Dowglas, lawful son of William, Earl of Mortoun, under the pains Fol. 86, a.

Acta Caut. 1591–1616.

in the King's letters; also not to harm Magnus Mowat, fiar of Boquhollie. Patrick Gordon.

Robert Thomesone, flesher, burgess of Perth, for Johne Rannald, younger, flesher *alias* tailor, 400 merks, not to harm Constantyne Tailyeour at the Brigend of Tay. Perth, 3rd July. John Ranald.

Adame Cunynghame, son of the Laird of Auchinhervie, for Archibald Cunynghame of Kirkland of Kilmaweris, to pay to Mr David Hendersone, minister at Kilmaweris, 40s. for the tax of his lands of the Kirkland of Kilmaweris, as his part of the said minister's relief of the taxation of 100,000 merks granted to his Majesty in February 1601. Also the said Archibald consigns 44d. in the hands of the Clerk of Council for the tax of his lands of the Tour, to be delivered to the said Mr David for his relief, in case it be found that this is required. Archibald Cunningham.

Fol. 86, b.

Johne Keith of Cowtoun for Walter Pikyman in Kincardin, James Rany in Ferroquhy, George Rait in Raduchie, Robert Strauchane in Glaslo, Stephane Pattoun there, Alexander Keith there, David Murray there, Johne Pithie there, Johne Stevinsone at the Mill of Glaslo, Adame Wobster in Gallowtoun, David Wylie in Petnamone, William Neilsoun at the Kirk of Arbuthnot, James Auchinlek in Drumlethie, Stevin Jack in Cheyne, Johne Keith in Toupis, Magnus Sattounheid in Patpyett, and Gilbert Keith in , 400 merks each, not to harm Alexander Fraser in Cauldstreame, or Alexander and George, his sons.—The band, registered by Mr Robert Mar, advocate, and written by James Auchinlek, notary, is subscribed at , June, before Mr Johne Foullartoun, notary, James Keith, James Melvill, and Mr Androw Mylne, minister at Fetteresso. Walter Pickyman and others.

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Stevin Pattoun in Glaslo for Johne Keith of Cowtoun, 1000 merks, to the same effect.—The band is registered, etc., as above. Keith of Cowton.

Fol. 87, b.

Johne Levingstoun of Easter Castelcary for William M°Kie of Kirriquhirne, 500 merks, not to harm Mathow Stewart of Dunduff. Perth, 4th July. William Mackie.

James Lyoun of Easter Ogill and Thomas Crawmond of Holmylne for Robert Kynneir, vicar at Brechin, Johne Kynneir of Botheris, and Robert Dempster in Nether Carreldstoun, 1000 merks each, not to harm Androw Croill, bonnetmaker in Brechin, Patrik Mathew and Johne Croill, bonnetmakers, Thomas Bellie, elder, or Thomas Bellie younger.—The band, registered by Mr Johne Haliday, advocate, and written by George Wrycht, notary, is subscribed at Brechin, 1st July, before William Hardy, burgess of Montrois, Robert Dempster, saddler, citizen at Brechin, William Hardy, Johne and William Ramsayis, notaries,—George Wrycht and Johne Ramsay, notaries, subscribing for the surety. Robert Kinnear and others.

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Thomas Fairlie, fiar of Comestoun, for Frances Wauchop of Nuddrie Merschell, 2000 merks, not to harm William Hepburne in Houstoun. Edinburgh, 4th July. Francis Wauchop.

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David Spalding, fiar of Eshintullie, for William Murray, servitor to Allaster Spalding of Bletoun, not to harm William Chalmer, fiar of Drumlochy, or M°Ewne, his servant, under the pains in the King's letters; also to answer on 31st instant for assaulting Chalmer's wife in his place of Cloquhat, under the pain of 1000 merks; farther, to pay to the Treasurer 10 merks for his escheat goods within 40 days hereof. Perth, 10th July 1606. William Murray.

Lord Herries and others.

William Maxwell of Kirkhous for Johne, Lord Hereis, and Lord Hereis for Sir William Maxwell of Clowden, Sir Robert Maxwell of Sweithairt, Edward Maxwell, brother of Lord Herreis, and Johne Maxwell of Blairshill, brother of the Laird of Newwark, not to harm Roger Gordoun of Garverie, under the pains in the King's letters. Acta Cant. 1591–1616. Fol. 88, b.

Andrew Bannerman.

Sir Robert Crychtoun of Cluny for Androw Banerman in Dunkeld, 1000 merks, not to harm Mr Walter Stewart of Blakhillis, George Nasmyth of Inchewne, William Fyffe, portioner of Ruffill, Johne Mershell, bailie in Dunkeld, or any of the other inhabitants there.

Perth, 11th July. Robert Kid and others.

Johne Pitscottie of Loncardy for Robert Kid, Johne Kid, and Lawrence Ronnald, at the east end of the Brig of Tay, 400 merks each, not to harm Constantyne Hynd there.

Oliver Sinclair.

Sir Johne Home of Coldenknowis for Oliver Sinclar, brother of William Sinclar, fiar of Ethay, not to harm Eduard Sinclar of Ethay, their father, under the pains in the King's letters. Fol. 89, a.

Perth, 12th July. Donald Farquhairson and others.

Robert Ferquharsoun of Delreddy for Donnald Ferquharsone in Ballachastell and Johne Ferquharsoun in Inuercauld, and David M^{c}Duff of Fandowy for Johne Roy M^{c}Duff, his brother, 500 merks each, to answer before the Council on 31st instant to the complaint against them by George Ramsay of Banff for reiving from him certain kye and oxen.

Campbell of Lundy.

James Campbell of Murthlie for Colene Campbell of Lundy, to pay to Ludovick, Duke of Lennox, and Johne, Earl of Mar, collectors of the taxation of 100,000 merks, 50 merks for the tax of his lands of Teling Lundy and Polgavie, in case he ought to do the same.

Earl of Argyle.

James Campbell of Laweris for Archibald, Earl of Ergyll, to pay to Johne Fraser in Lochanes £20 as the price of each of 14 horses and mares, and 20 merks as the price of each of 60 kye, stolen from the said Johne by the late McCondochie of Inuerraw, alleged to be the said Earl's man, if it be found that he ought to do so. Fol. 89, b.

Edinburgh, 15th July. Earl of Argyle.

Archibald Campbell, brother of James Campbell of Laweris, for Archibald, Earl of Ergyll, to put a decree obtained before him by Thomas Oliphant in Freirtoun, Alexander Laird there, Thomas Buchane there, William Mullikin there, and Johne Colt in Crag, against the late Johne Dow M^{c}Ewne and Patrik Birroch, to due execution against them if it be found that he ought to do the same. Acta Cant. 1605–1607. Fol. 76, a.

Edinburgh, 18th July. Mr John Hart and others.

Johne Barclay, bailie of the Cannogait, for Mr Johne Hairt, elder, bailie there, 1000 merks, and Hairt for Barclay, 1000 merks, and for George Cunynghame, goldsmith, burgess there, 500 merks, and the said three persons for Johne Achiesone, portioner of Inueresk, 1000 merks, and for Patrik and Mr Johne Hartis, sons of the said Mr Johne Hart, James Hart, goldsmith, and Johne Thomesoun, maltman, burgesses of the said burgh, 500 merks each, not to harm Edmond Smyth, tailor, burgess there. Fol. 76, b.

Sir John Crichton of Innernity.

Sir David Herring of Glasclune and Sir Robert Crychtoun of Cluny for Sir Johne Crychtoun of Innernytie, 20,000 merks, that, on being relieved out of his present ward in Edinburgh Castle, he shall repair to Francis, Earl of Erroll, and remain with him till freed by the Council, and appear

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before the Council when charged.—The band, registered by Mr Alexander Peblis, advocate, and written by Edward Mekiljohne, servitor to James Prymrois, Clerk of Council, is subscribed at Perth, 12th July, before Robert Crychtoun, brother of the said Sir Johne, James Chalmer, son of William Chalmer of Drumloquhy, Archibald Campbell, servitor to the said Sir Robert Crychtoun, Patrik Halden, burgess of Perth, Donald Neische and William Robertsoun, notaries there.

Edinburgh, 21st July. Andrew Lundy and his son.

Mr William Adamsone of Graycruke for Androw Lundy of Conland, £1000, and for Robert Lundy, his son and apparent heir, 1000 merks, not to harm Johne Burrell, wester, Johnne Burrell, easter, Androw Burrell, elder and younger, Thomas Burrell, William Cowpar, or Androw Ged, portioner of Frewquhy.

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Edinburgh, 22nd July. Homer Maxwell.

Edward Maxwell of Tinwald, Johnne Maxwell of Kirkconnell, and James Maxwell of Portrak, for Homer Maxwell, commissary of Drumfreis, 1000 merks, not to harm Johnne Corsane, burgess there.—The band, registered by Mr Lowrence M°Gill, advocate, and written by Johne Chairtouris, writer in Drumfreis, is subscribed there, 19th July, before Johnne M°Ghie and Robert Maxwell, notaries in Drumfreis, and the said writer hereof.

John Corsan, burgess of Dumfries.

James Newall, bailie of Drumfreis, for Johne Corsane, burgess there, 1000 merks, not to harm said Homer Maxwell, Robert Maxwell of Arkland, Johne Maxwell of Stanehous, or Johne Maxwell in Durisquhone.—The band, registered by Mr Johne Mackgill, advocate, and written by

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Harbert Cunynghame, notary, is subscribed at Drumfreis, 18th July, before Androw Cunynghame, burgess there, Adame Cunynghame, his son, writer in Edinburgh, Johne Annand, officer, and Alexander Hoip in Drumfreis, the said Harbert and Robert Cunynghame, notaries, subscribing for Newall.

John Kyle.

Johne Cunynghame of Birkshaw for Johnne Kyle in Corstoun, £500, not to harm Johne Wilsone of Croglene.—The band, registered by Mr Alexander Syme, advocate, and written by Johne Rig, notary public, is subscribed at the Kirk of Glencairne, 20th July, before Robert Fergusone, younger of Craigdaroch, Arthour Cunynghame in Craignesen, Peter Dennun at Mynibole, and said writer hereof.

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Edinburgh, 23rd July. George Fullarton of Denune.

Patrik, Earl of Kinghorne, Lord Glammis, for George Foullartoun of Denune, 2000 merks, not to harm Androw Quhittoun in Leoch, James Roger there, Sampsone Ker in Ochterhous, Androw Watt in Knowheid, William Watsoun in Kirktoun, Thomas Ruthven there, James Man there, George Man there, Johne Quhittoun in Kirktoun, David Quhitoun there, Mr Johne Dowglas in Nevay, David Tyrie there, Johne Stewart there, David Abercrumby there, James Oistlar there, Johne Donnaldsone there, or Jonet Herreist here.—The band, registered by Mr William Oliphant, advocate, and written by Abrahame Piggot, notary, is subscribed at Glamis, 18th July, before Johne Lyoun, Johne Murray, Archibald Murray, servitors to the said noble Earl, and said writer hereof.

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Edinburgh, 26th July. John Lawson.

William Maxwell of Kirkhous for Johne Lawsoun in Torthorwald, 300 merks, not to harm Johne Mundell, burgess of Drumfreis,—William Hanyng, writer, becoming surety in relief.

Josiah Stewart

Mathow Findlaysone of Killeith for Josias Stewart of Bonnytoun, 500 merks, to release Margaret Chalmeris, lady Trochrig, furth of his company, in case it be found that she is detained by him; also to pay to the Treasurer £10 for his escheat fallen by the horning used against him for not putting her to liberty. Acta Caut. 1605–1607.

Edinburgh, 29th July. John Burrell and others.

William Cowper and Androw Burrell, younger, portioners of Frewquhy, for Johne Burrell, called Wester Johne, Johne Burrell, called Easter Johne, Androw Burrell, elder, Thomas Burrell and Androw Ged, portioners of Frewquhy, *et vice versa*, 500 merks, not to harm Androw Lundy of Condland, or Robert Lundy, his eldest son and apparent heir. Fol. 79, b.

Edinburgh, 30th July. The Master of Winton and his brother.

Mr Johne Drummond of for George, Master of Wyntoun, and Sir Alexander Seytoun, his brother, either of them in 300 merks, to answer before the Council on 14th October next to a complaint against them for assaulting James, Earl of Glencairne, in the burgh of Perth.

Edinburgh, 31st July. John Fowler.

William Foullar, bailie of Edinburgh, for Johne Foullar in Romanno, 500 merks, not to harm Mr William Broun, treasurer-clerk.

Edinburgh, 1st August. David and Andrew Spalding.

Duncane M^{c}Intosche *alias* M^{c}Creitchie of Dalmugy for David Spalding, fiar of Escheintullie, £500, and the said David for Andro Spalding of Eschintullie, his father, £500, not to harm Johne Ferquharsoun of Clochak. Fol. 80, a.

John Thomson.

William Dennestoun (Danielstoun), merchant, burgess of the Cannogait, for Johne Thomesone, burgess there, 500 merks, not to harm Edmond Smyth, tailor, burgess there.

William Robertson.

George Wodro, burgess of Edinburgh, for William Robertsoun in Wrouklie, £100, to satisfy within 15 days hereof Sir Archibald Douglas of Quhitinghame, and James Cauldcleuch, his servant, for the assault committed by the said William, and Adam Williamesoun, his servant, on Cauldcleuch on 27th June last, or, failing thereof, both Robertsoun and his servant to enter in ward in the tolbooth of Edinburgh. Fol. 80, b.

Edinburgh, 7th August. Thomas Otterburn and son.

Sir Thomas Otterburne, younger of Reidhall, for Thomas Otterburne, elder of Reidhall, his father, and the said Thomas, elder, and Cuthbert Blyth at the Brig of Haillis, for the said Sir Thomas, younger, either of them in £1000, not to harm Thomas Lumsdene at Reidhall Mill.

Thomas Cranston and Alexander Trotter.

Robert Herreott, fiar of Trabroun, for Thomas Cranstoun, brother of Patrik Cranstoun of Corsbie, 1000 merks, and for Alexander Trotter, son of Patrik Trotter of Overhall, 500 merks, not to harm the said Patrik.

Edinburgh, 9th August. Earl of Caithness.

Alexander M^{c}Math, elder, merchant, burgess of Edinburgh, for George, Earl of Caithnes, £1000, not to reset or intercommune with Mr Alexander Innes, sometime minister at Birney, Johne Innes, elder, called M^{c}Carrie, Johne Innes, younger, called Lang Johne, William Innes, skinner, Robert Innes, flesher, James Innes, son of the said Johne Innes, elder, Alexander Innes, saddler, Johne Innes, sometime in Coittis, Robert Innes of Coittis, or James Scott in Little Innerlochtie, while they lie at the horn to which they had been put at the instance of William Hay of Mayne, James Dowglas, burgess of Elgyne, Mr Alexander Dowglas, minister at Elgyne, and George, Hew, Mr Johne, Mr Gawin, and Archibald Dowglas, Fol. 81, a.

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their brothers, for the slaughter of Agnes Leslie, relict of Mr Alexander Dowglas, sometime provost of Elgyne, and the deceased William Hay, father-brother of the said Laird of Mayne, and for mutilation of the said Laird.

James Stewart.

Walter Stewart of Kirkland for James Stewart of Tynnes, 1000 merks, not to harm James Pringle, apparent of Buckholme, John Pringle of

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Tynnes, James and Thomas Pringles, his sons; also Androw Ker of the Yair for the said James, to pay to the Treasurer £10 for his escheat fallen by the horning used against him by said persons for not finding lawsurety to them.

Sir Matthew Stewart and son.

Sir Archibald Stewart of Fynnert Stewart for Sir Mathow Stewart of Mynto, £5000, and for Sir Walter Stewart, his son, 5000 merks, that, on being freed furth of their present ward in Dumbartane Castle, they will repair to the burgh of Striviling and remain there till relieved, and in the meantime will keep the King's peace.

Sir George Elphinston and James Forret.

William Andersone, bailie, Thomas Mure, bailie, and Umphra Cunynghame, burgess of Glasgow, for Sir George Elphingstoun of Blythiswoode, 5000 merks, and for James Forrett of Burrowfeild, £1000, that, on being freed furth of their present ward in the Castle of Glasgow, they will repair

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to the burgh of Linlithgow and remain there till relieved, and in the meantime will keep the King's peace.

Edinburgh, 12th August. Alexander Stewart.

James Dunlop of that Ilk for Alexander Stewart in Glasgow, £200, to enter in ward in the town of Dundie and there remain till relieved, in the meantime keeping the King's peace.

Edinburgh, 14th August. William Summer and his son.

Johne Or, merchant, burgess of Edinburgh, for William Symmer, merchant, burgess of Glasgow, and Androw Symmer, his son, either of them in 300 merks, to enter in ward in the burgh of Dundie and there remain till freed.

Alexander Caldwell.

Waltir Stewairt, brother of Mathew Stewairt of Barscube, for Alexander Cauldwell, deacon of the skinners of Glasgow, £200, to enter in ward in

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the burgh of Perth and remain there till freed.

Edinburgh, 15th August. Inhabitants of Selkirk.

George Mitchelhill, bailie of Selkirk, for the provost, bailies, council and community of Selkirk, 2000 merks, not to harm Andro Ker of the Yair.

Archibald Faulds and others.

Archibald Heygait, court clerk of Glasgow, for Archibald Fauldis, dean of guild, George Moresoun, George Mure, Colene Campbell, Alexander Dunlope, William Simsone, Mathow Simsone, James Inglis, Johne Bernis, William Weyme, James Bailyie, Hector Patoun, Archibald Andersone, merchants, burgesses of Glasgow, to pay to William Stirling and Mr Johne Ros, customers of the said burgh, 2s. for the custom of each boll water mete imported by them at the water of Clyde, with 12d. for each boll of victual imported by them from England, in addition to such other extraordinary customs and dues for the rest of their merchandise brought home by them as are exigible, conform to the Acts of Parliament, in case it be found that they ought to do the same.

William Stobo.

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Thomas Nesbit, tailor, burgess of Glasgow, for William Stobo, messenger, burgess there, £200, to enter in ward in the burgh of Dundie

and remain there till freed.—The band, registered by Mr Umphra Blinsele, advocate, and written by George Huchesoun, notary in Glasgow, is subscribed there, 13th August, before Andro Stark, merchant, Johne Fleming, maltman, Johne Young, baxter, burgesses there, and William Wallace, servitor to the Laird of Castlemilk,—said writer hereof and Mr John Allansoun, notaries, subscribing for the principal and surety. Acta Caut. 1605–1607.

Gabriel Corbet.

Sir William Stewart of Heiltoun (Heildoun) for Gabriell Corbett of Hardgray (Hardin), £200, to enter in ward in the burgh of Dundie and remain there till freed.—The band, registered by Umphra Blinsele, advocate, and written by Mr Robert Allansoun, notary in Glasgow, is subscribed there, 13th August, before Duncane Semple, Mr Johne Ros, Waltir Douglas, maltman, burgesses there, and the said writer hereof. Fol. 83, b.

John Buntine.

Mathew Watsone, elder, flesher, burgess of Glasgow, for Johne Buntene, flesher, burgess there, £200, to enter in ward in the burgh of Dundie and remain there till relieved.—The band, registered as above, and written by Mr Johnne Allansoun, is subscribed at Glasgow, 13th August, before James Fischer, Waltir Douglas, James Lyoun, Mr Johne Ros, merchants there,—Mr John Allansoun and George Huchesoun, notaries, subscribing for the principal and surety. Fol. 84, a.

Thomas Kincaid.

Sir William Stewart of Heildon for Thomas Kinkaid, maltman, burgess of Glaseow, £200, to enter in ward in the burgh of Dundie and remain there till relieved.—The band, registered by Blinsele and written by Mr Robert Allansoun, is subscribed as above before Mr Johne Horner, Andro Stark, merchant, Waltir Douglas, maltman, burgesses of Glasgow, and the said writer hereof.

James Lightbody.

George Glasgow, merchant, burgess of Glasgow, for James Lichtbody, maltman, burgess there, £200, to enter in ward in the town of Dundie.—The band, registered as above and written by Mr Johne Allansoun, is subscribed as aforesaid before Andro Stark, Symone Stewart, merchants, James Fischer, maltman, Archibald Patersoun, weaver, all burgesses of Glasgow. Fol. 84, b.

James Braidwood and John Fleming.

Duncane Symple, merchant, burgess of Glasgow, for James Braidwode, cordiner, and Johne Fleming, maltman, burgesses there, to enter in ward, the former in Perth and the latter in Dundie, and remain there till freed, each under the pain of £200.—The band, registered as above and written by George Huchesoun, notary in Glasgow, is dated and subscribed there as aforesaid before James Lyoun, Mr Johne Ros, merchants, Waltir Douglas, maltman, burgesses there, and William Wallace, servitor to the Laird of Castellmylk,—Huchesoun and Mr John Allansoun subscribing for Fleming. Fol. 85, a.

James Fisher.

George Lyoun, merchant, burgess of Glasgow, for James Fischer, merchant, burgess there, £200, to enter in ward in the burgh of Dundie and remain there till relieved.—The band, registered by Blinsele and written by Mr Johnne Allansone, is dated and subscribed as above before William Mure, deacon of the fleshers in Glasgow, William Mure, his son, and the said writer hereof.

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Johnne Richie, cooper, burgess of Glasgow, for William Mure, deacon of the fleshers, £200, to enter in ward in the burgh of Perth and remain there till freed.—The band, registered and written as above, is dated and subscribed as aforesaid before Mr Johne Ros, merchant, James Fischer, Waltir Douglas, burgesses,—Mr Johne Allansoun and George Huchesoun subscribing for the principal. William Mure.

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Andro Park, merchant, burgess of Glasgow, for Archibald Patersoun, deacon of the weavers there, £200, to enter in ward in the burgh of Perth and remain there till freed.—The band, registered by Blinsele and written by Mr Johne Ros, notary in Glasgow, is dated and subscribed as aforesaid before William Wilsoun, tailor, Alexander Dunlop, merchant, Andro Stark, merchant, James Lichtbody, maltman,—Mr Johne Allansoun and George Huchesoun subscribing for the principal and surety. Archibald Paterson.

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Sir William Stewart of Heildoun for Thomas Fawsyde, baxter, burgess of Glasgow, £200, to enter in ward in the burgh of Perth and remain there till relieved.—The band, registered by Blinsele and written by Mr Robert Allansone, is dated and subscribed as above before James Braidwode, deacon, Waltir Douglas, and said writer hereof. Thomas Fawside.

James Gulane, mariner, burgess of Glasgow, for Symone Stewart, merchant, burgess there, £200, to enter in ward in Dundie and remain there till relieved.—The band, registered by Blinsele and written by Huchesoun, is dated and subscribed as above before Waltir Douglas, James Fischer, and James Lichtbody,—Huchesoun and Mr John Allansoun subscribing for Gulane. Simon Stewart.

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Alexander Pollok, cordiner, burgess of Glasgow, for Johnne Andirsoun, cordiner, burgess there, £200, to enter in ward in the burgh of Perth and remain there till relieved.—The band, registered and written as above, is dated and subscribed as aforesaid before William Wallace, Johne Young, William Stobo, Johne Fleming, and Andro Stark,—Huchesoun and Mr John Allansoun subscribing for the surety. John Anderson.

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James Lyoun, merchant, burgess of Glasgow, for Mr Johne Ros, merchant, burgess there, £200, to enter in ward in the burgh of Perth and remain there till relieved.—The band, registered by Blinsele and written by Huchesoun, is dated and subscribed as above before William Wallace, Waltir Douglas, Andro Stark, and said writer hereof. Mr John Ross.

Gabriell Listoun, cordiner, burgess of Glasgow, for Niniane Andirsoun, cordiner, burgess there, £200, to enter in ward in the burgh of Perth and remain there till freed.—The band, registered by Blinsele and written by Huchesoun, is subscribed as above before William Wallace, Andro Stark, Johne Scot, said writer hereof, and Mr Johne Allansone. Ninian Anderson.

Fol. 87, b.

Johnne Miller, tailor, burgess of Glasgow, for Andro Stark, merchant, burgess there, £200, to enter in ward in Dundie and remain there till relieved.—The band, registered by Blinsele and written by Mr Johnne Allansone, is dated and subscribed as above before Waltir Douglas, James Fischer, Symone Stewart and Johnne Buntene,—Mr Johne Allansone and Huchesoun subscribing for the surety. Andrew Stark.

Edinburgh, 16th August. Andrew Whittoun and others.

Waltir Ogilvy of Ordings for Andro Quhittoun in Liochis, James Rodger there, Andro Wat in Kirktoun of Auchterhouse, William Watsoun there, David Duncane in Eastfield, and David Robertsoun in Scotstoun, £500 each, and for Andro Dog, elder in Scotstoun, Andro Dog, younger there, William Smyth there, David Quhittoun in Bonitoun of Auchterhouse, Thomas Thomesoun there, Johnne Quhittoun there, James Oistler in Nevay, David Tyrie there, Mr Johnne Douglas there, Johnne Stewart there, Jonet Hereis there, Alexander Mylne there, Johne Mair there, Andro Patsoun there, David Andirsoun there, Johne Stobe there, Archibald Wricht there, David Dog there, Alexander Adame there, Alexander Ker there, Alexander Beige there, David Crystie there, David Dewcheris there, William Smert there, James Man in Kirktoun of Auchterhouse, George Man there, Andro Wylie there, David Low at the Mill of Auchterhouse, Johnne Donnaldsoun in Templetoun, and James Priner there, 300 merks each, not to harm George Foullertoun of Wester Denoune.—The band, registered by Mr Johnne Leirmonth, advocate, and written by Thomas Thomesoun, notary public, is subscribed at Banff, 13th August, before Alexander Ogilvy of Logy, William Ogilvy of Pitdavie, Robert Craigmylne, and Johne Hempseid, burgess of Cullen. Acta Cant., 1605–1607. Fol. 88, a.

Edinburgh, 18th August. Adam Smith and others.

James Betoun of Melgoun for Adam Smyth, Andro Guthrie, and Robert Fordell, in the Kirktoun of Abirlemno, not to harm Johnne Lindsay, minister at Abirlemno, under the pains in the King's letters.—The band, registered by Mr Thomas Wilsoun, advocate, and written by Johnne Fentoun, writer, is subscribed at Dundie, 16th August, before the said writer, Johne Pitblado in Newtoun of Melgund, and Henry Betoun, dyer. Fol. 88, b.

Beaton of Melgund.

David Betoun of Carsgownie for James Betoun of Melgound, not to harm Mr Johne Lindsay, minister at Abirlemno, under the pain of 2000 merks.—The band, registered by Mr Thomas Wilsoun, advocate, and written by Johne Lyoun, notary in Brechin, is subscribed at Brechin, 14th August, before Mr Alexander Bisset, master of the grammar school of Brechin, William Bellie in Nethertoun of Melgound, Johne Pitblado there, and said writer hereof. Fol. 89, a.

Robert Napier.

Adam Lindsay of Stukrodgert for Robert Naper of Blakyairdis, £200, to keep ward in the burgh of Dundie and observe the King's peace.—The band, registered by Mr George Wauchop, advocate, and written by Johne Eldair, notary, is subscribed at Stukrodgert, 15th August, before Johnne Dennestoun in Auchindouarne, Robert Dennestoun, his son, Johne Dunlop, younger, and Robert Miller, "my servitouris,"—said notary subscribing for the surety.

Edinburgh, 19th August. Walter Denniston.

Johne Houstoun of that Ilk for Walter Dennestoun, younger of Colgrane, 1000 merks, not to harm Aulay M°Kawla of Ardincaple.—The band, registered by Mr George Wauchope, advocate, and written by George Hamiltoun, vicar of Kilbarchan, is subscribed at Houstoun, 17th August, before Patrik Houstoun, son and apparent heir of the said Johne, James Houstoun, brother of the said Patrik, and James Houstoun, brother of the said Johne. Fol. 89, b.

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Johne Weir of Cladandyk (Clanandyk) for James Dennestoun of Culgrane, 2000 merks, not to harm Aula M^c^Awla of Ardincaple.—The band, registered by Mr George Wauchop and written by William Cunynghame, is subscribed at Dumbertane, 31st July, before the said writer, Walter Spreull, son of Johne Spreull of Cowdoun, Gabriell Spreull, servitor to James, Earl of Glencarne, Robert Cuik, and Patrik M^c^Awla, messenger. Denniston of Colgrain.

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James Dennestoun of Cowgrane for Androw Dennestoun in Mekle Camsescane, 500 merks, not to harm Aula M^c^Awla of Ardincaple.—The band, registered by Mr George Wauchop and written by David Cunynghame in Dumbertane, is subscribed there, 1st August, before William Cunynghame, notary, Patrik M^c^Awlay, messenger, and James Barclay in Little Camcescane. Andrew Denniston.

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William Ker of Third for Androw Ker of the Yair, £1000, William Ker, his son and apparent heir, 1000 merks, Androw, Robert, and Thomas Keris, also his sons, 500 merks each, not to harm the provost, bailies, council, and community of the burgh of Selkirk, conform to the King's letters dated 14th instant.—The band, registered by Mr Alexander Cumyng, advocate, is subscribed at Dalkeith, 19th August, before Merk Ker, son of the Goodman of Kippielaw, and Johne Broun, servitor to the said Androw. Edinburgh, 20th August Goodman of Yair and his sons.

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Edinburgh, 21st August.

Mr Johne Edmestoun, apparent of Natoun, for Patrik Edmestoun, elder of Natoun, and the said Patrik for Mr Patrik, his son, David and Robert, also his sons, not to harm Frances Wauchop of Nudrie or William Wauchop, his uncle, under the pains following,—the said Patrik, elder, and Mr Patrik, either of them £1000, and each of the others 500 merks. Patrick Edmiston and his sons.

Mr Frances Glen, apparent of Inchkerie, for George Boiswele in the West Mill of Kirkcaldy, £1000, not to harm David Kynnynmonth in Glennestoun, or James Kynnynmonth in Little Raith, *alias* "Knycht of Polguild."—The band, registered by Mr Alexander Sym, advocate, and written by Samuell Birse, writer, is subscribed at Pittedre, 21st August, before the said writer, and Paull Rannald, his servitor. George Boswell.

Fol. 91, b.

George Gledstanes, "pewderar," burgess of Edinburgh, for Thomas Vernour of Auchindony, to spend the money appointed to be collected by him at the bridge called Auchindony Brig in repairing the said bridge. Thomas Vernor.

Robert Orrok, fiar of that Ilk, for Sir Johne Boiswele of Balmowto, £2000, not to harm David Kynnynmonth of Glennestoun or James Kynnynmonth in Little Raith.—The band, registered by Mr David Aytoun, advocate, and written by David Fergus, servitor to the said Mr David, is subscribed at Balmowto, 20th August, before the said advocate, Henry Bruce, servitor to the said Sir Johne, and the said writer hereof. Edinburgh, 23rd August. Sir John Boswell.

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Sir Johne Boiswell of Balmowto for Robert Lundy of Balgonie, £2000, not to harm the said David and James Kynnynmonth.—The band, registered by Mr William Naper, advocate, and written by Johnne Hendersone, servitor to Johnne Williamsoun, clerk of Dysert, is subscribed at Balgony and Balmowto, 20th and 23rd August, before Thomas Craufurd, Henry Bruce, Richard Lundy, and George Boiswell. Lundy of Balgony.

Sir George Boswell and others.

Sir Johne Boiswele of Balmouto for Sir George Boiswele of Little Balgony, James Boiswele of Easter Lochgalie, and David Boiswele of Cultellaw, £1000 each, for David Boiswell of Mylnedenis, David Boiswell of Auchmure and Patrik Halket of Lumfeddenis, 1000 merks each, and for Thomas Craufurd in Newbiging, Johne Johnnstoun of Cragingall, Johnne Lindsay in Clintray, George Robertsoun in Newbiging, James Allane there, William Thallane there, David Brumelie there, Johnne Rowane of Glesmonth, James Simpsoun in Auchtertule, Thomas Law in the Newtoun, Robert Walker in Halyairdis, and Johne Gairdner there, 500 merks each, not to harm the said David Kynnynmonth and James Kynnynmonth.—The band, registered by Mr George Wauchop, advocate, and written by Alexander Wylie, servitor to James Prymrois, Clerk of Council, is subscribed at Balgony, 23rd August, before Thomas Boiswele, brother of the Laird of Balmowto, and Henry Bruce and Thomas Craufurd, his servitors. Acta Cant. 1605-1607. Fol. 92, b.

Edinburgh, 25th August. Kirkpatrick of Ilisland.

James Kirkpatrik of Dempstertoun for Johne Kirkpatrik of Aleisland, 1000 merks, not to harm Johne Lauchlisone, elder of Burnesyde, Andro Lauchlisone, his son, Margaret Maxwell, his spouse, or Robert Lauchlisone, their son, conform to the charge given to them by Nicoll Newall, messenger.—The band, registered by Mr Robert Young and written by Mr Archibald Gibsoune, minister at Dunscore and notary, is subscribed at Freircarse, 23rd August, before Alexander Kirkpatrik, brother of the Laird of Cloisburne, Johnne Campbell, Johnne Gibsoun, servitor to the said principal, and Johne Scot, cook in Aliesland. Fol. 93, a.

Edinburgh, 28th August. Halden of that Ilk and his brother.

Adam Inglis of Langlandhill for George Halden of that Ilk, 1000 merks, and for Johne Halden, his brother, 500 merks, not to harm James Stewart in Over Hilhous, Cuthbert Smyth in Nether Hilhous, or Johnne Veitche in Know.—The band, registered by Mr William Douglas, advocate, and written by Andro Hay, servitor to James Kynneir, writer, is subscribed at Litlechip, 27th August, before William Inglis, the surety's brother, Mr Archibald Douglas, parson of Peblis, James Twedy, younger of Drummelyair, and Thomas Lindsay, merchant, burgess of Edinburgh,—Androw Hay and James Kynneir, notaries, subscribing for Johnne Halden. Fol. 93, b.

Cumming, fiar of Altyre.

Robert Innes of that Ilk for James Cuming, fiar of Altir, £1000, not to harm Arthour Muiren, Nicoll Tolmie, burgesses of Forres, Mr James Dumbar of Sanquhar, Thomas Urquhart of Burrisyairdis, Thomas Tulloch, burgess of Forres, Charlis Reid, burgess there, Johne Warrand, smith there, or the other inhabitants of the said burgh, conform to the King's letters dated at Edinburgh 13th December 1602.—The band, registered by Mr William Borthuik, advocate, and written by Andro Innes, servitor to George Annand, notary public, burgess of Elgin, is subscribed at Elgin and Innes, 20th August, before Patrik Dumbar of Inchebrek, Alexander Richartsoun, minister at Dolles, said Annand, said writer hereof, George Meldrum of Haltoun, and Johne Innes, " my servitour." Fol. 94, a.

Edinburgh, 2nd Sept.

Robert Johnnstoun of Mossop and Archibald Wauchop of Stottincleuch for Williame Wauchop, brother of late Archibald Wauchop of Nuddrie

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Merchell, £500, not to harm Patrik Edmestoun of Wolmet, Patrik Edmestoun of Natoun, his tutor, or Mr Patrik, David, and Robert Edmestonis, his sons. William Wauchope.

Alexander Dowglas of Maynis for James Dowglas, portioner of Over Gogar, 1000 merks, and for David and George Hammiltones, brothers of James Hammiltoun of Kinbrachmonth, and James Lowrenstoun, son of late Daniell Lawrenstoun, portioner of Over Gogar, 500 merks each, not to harm Thomas Mairjoribankis, portioner of Ratho, James and Johne Mairjoribankis, his sons, or James Winrhame, portioner of Sauchtounhall. Linlithgow, 2d Sept. James Douglas and others.

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Thomas Inglis, younger, portioner of Old Listoun, for Thomas Mairjoribankis of Ratho, £1000, for Johnne and James Mairjoribankis, his sons, either of them in 500 merks, and for James Winrhame, portioner of Sauchtounhall, 1000 merks, not to harm James Dowglas, portioner of Over Gogar, David and George Hammiltones, or James Lawrenstoun. Thomas Marjoribanks and his sons.

William Wallace, burgess of Paislay, for James Stewart, burgess of Glasgow, 500 merks, to enter by 6th November next in ward in the burgh of Linlithgow, if it be found that he ought to do so. Edinburgh, 4th Sept. James Stewart.

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Alexander Mure of Cotland for Patrik, Earl of Orknay, 5000 merks, not to harm William Sinclar of Ethay, Jonet Halcro, his spouse, or Aliesoun and Elspeth Sinclaris, his daughters. Edinburgh, 6th Sept. Earl of Orkney.

James Weymis of Bogy for David Kynnynmonth of Glaniston, and James Kynnynmonth of Lochend, 500 merks each, not to harm Johne Johnestoun of Craigtoun.—The band, registered by Mr Johne Russell, advocate, and written by Robert Frewch, clerk of Kirkcaldy, is subscribed at Bogie, 4th September, before James Weymis, son of the Laird of Bogie, and Johne Patersone, his servant. David and James Kininmouth.

Fol. 95, b.

Hew Craufurd of Quhethill for Alexander Rires in Strathedlie, 300 merks, not to harm William Watson.—The band, registered by Mr Johne Russell, advocate, and written by Mr Thomas Rires, minister of God's Word at Lonmay, is subscribed at Fraserburgh, 6th September, before Walter Fraser, brother of Sir Alexander Fraser of Frasersburgh, Johne Baxter, merchant in Fraserburgh, Androw Craufurd, son of the Laird of Leifnoreis, and Magnus Ugstoun (Ogstoun), notary public,—the last subscribing for the principal. Edinburgh, 8th Sept. Alexander Rires.

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James Weymes of Bogy for David Kynnynmonth in Glennestoun, 500 merks, and for James Kynnynmonth of Lochheid, £500, not to harm Johnne Gairdner in Halyairdis.—The band, registered by Mr Patrik Forrest, advocate, and written by Johnne Patirsone, servitor to the Laird of Bogie, is subscribed at Bogie, 16th September, before Harie Weymes of Drone, James Weymes, son of said Laird of Bogie, and said writer hereof. Edinburgh, 16th Sept. David and James Kininmouth.

Mr William Levingstoun, servitor to my Lord Saltoun, for William Nory, messenger, 400 merks, not to reset or intercommune with William Gordoun in Duninad, or David Ruthven, sometime there, while they lie at the horn to which they had been put at the instance of Mr Waltir, George, Mr Gilbert, Robert, and Michaell Wilsones, for not answering before the Justice for convocating the lieges in arms, apprehending the Edinburgh, 17th Sept. William Nory.

said Mr Waltir and detaining him as prisoner, and for mutilating the said George in the left arm. Acta Caut. 1605–1607.

John Kennedy. Hew Kennedy of Arreis for Johne Kennedy of Blairquhan, 500 merks, to deliver the place of Blairquhan to dame Margaret Keyth, his mother, in case it be found that he ought to do so; also to pay to the Treasurer 100 merks for his escheat fallen by the horning used against him for not finding lawburrows to his mother. Fol. 96, b.

Edinburgh, 22nd Sept. David and James Kininmonth. Sir Johnne Weymes of that Ilk for David Kynnynmonth in Glennestoun, 500 merks, and for James Kynnynmonth of Lochheid, £500, not to harm Robert Lillie in Spittell.—The band, registered by Mr William Borthuik, advocate, and written by Thomas Forman, servitor to the said Sir Johnne, is subscribed at Elchok, 20th September, before William Stewart, Johne Myrtoun, and Thomas Forman, servitors to the said Sir Johnne. Fol. 97, a.

Andrew Wood. Mr James Wode of Dunune for Andro Wode in Rossyth, £1000, not to harm Mr Robert Echline, minister at Innerkeithing.

Cumming, fiar of Altyre. Patrik Dumbar of Conzie for James Cuming, fiar of Altir, £1000, not to harm Andro, Allane, and Alexander Awis, burgesses of Forres.—The band, registered by Mr Alexander Cuming, advocate, and written by Alexander Cunynghame, notary, is subscribed at Alter, 14th September, before Alexander Cunnynghame, writer in Edinburgh, Alexander Creichtoun, his servitor, James Cuming, "my servitour," and Thomas Cuming, "my brother german." Fol. 97, b.

Bishop of Moray. James Douglas of Barstachillis for the right reverend father in God Alexander, Bishop of Murray, £1000, not to harm Hew Falcouner of Little Innerlochtie.—The band, registered by Mr Patrik Forrest, advocate, and written by Mr Gawin Douglas, burgess of Elgin, is subscribed at Elgin, 15th September, before William Douglas, vicar of Elgin, Mr James Guthrie, minister at Urquhart, Mr William Clogie, preacher of God's Word at Elgin. Fol. 98, a.

James Douglas in Elgin. Gawin Douglas, burgess of Elgin, for James Douglas, burgess there, £1000, not to harm Hew Falcouner in Little Innerlochtie.—The band, registered by Mr Patrik Forrest, advocate, and written by Mr William Clogie, preacher at Elgin, is subscribed there, 15th September, before the Bishop of Murray, Robert Leslie, minister at Birny, Paull Dumbar in the College of Elgin, and said writer hereof.

Edinburgh, 26th Sept. Patrick Home and others. George Home, portioner of Gulane, for Patrik Home of Coldingham Law, and David Home, his brother, either of them 1000 merks, and for Hendry Ellem in the Law, 500 merks, not to harm Johne Boure in Auchincraw, or Valentyne Boure, his brother. Fol. 98, b.

Andrew Bickerton of Cash. James Scrymgeour of Myris for Andro Biccartoun of Cashe, not to harm David, Lord of Scone, under the pains in the King's letters.—The band, registered by George Abirnethie, advocate, and written by Johnne Balvaird, notary public in Auchtermuchtie, is subscribed at the place of the Myris, 24th September, before David Leane, "my servitour," Johne Balvaird at the West Brig of Kirkcaldy, and said writer hereof. Fol. 99, a.

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James Maxwell of Portrak for Johne Lauchlisoun, elder, *alias* called the Laird in Burnesyde, 300 merks, not to harm Johne Kirkpatrik of Aliesland,—the said principal, and Andro Lauchlisone, his son and heir, becoming sureties in relief.—The band, registered by Mr William Borthuik, advocate, and written by Robert Maxwell, is subscribed at the kirk of Dunscore, 24th September, before Alexander Fergusoun of the Ile, Robert Maxwell, apparent of Portrak, Mr Archibald Gibsoun, minister at Dunscore and notary public, Johne Smyth and Johnne Edzair there,—the said minister subscribing for the principal and his son. John Lachlison.

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Robert Herreott of Traboun for James Fairny, apparent of that Ilk, 2000 merks, not to harm James Falcouner, spouse of Margaret Betoun, conjunct fiar of Cummoquhie.—The band, registered by Mr Thomas Mawer, advocate, and written by Hector Arnot, notary public in Falkland, is subscribed at Burlie, 26th September, before Mr David Sibbald, brother of James Sibbald of Rankelour, James Arnot, son of Johne Arnot of Wodmylne, and said writer hereof. James Fernie, apparent of that Ilk.

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Johne Arnot of Wodmylne for William Ferny of that Ilk, 2000 merks, and for George Ferny, his son, £500, not to harm the said James Falcouner.—The band, registered by Mr Thomas Mawer and written by Alexander Mershall in Falkland, is subscribed at Wodmylne, 26th September, before Androw Arnot in Kilquhis, Johne Arnot, apparent of Wodmylne, and William Knowis. William Fernie of that Ilk, and son.

Archibald Wardlaw, weaver, Mathow Tod, stabler, and Bartilmo Aikman, chirurgeon, burgesses of Edinburgh, for Johnne Duncane, elder, at the Brig of Haillis, and Johne Duncane, his brother, either of them in 300 merks, to answer before the Council when charged for assaulting Robert Davidsone, "meilmaker" in Colintoun, in September instant; also not to harm the said Robert. Edinburgh, 30th Sept. John Duncan and brother.

Fol. 100, b.

Johne Pringle, elder of Buckholme, as principal, and George Pringle of Torwodlie, as surety, *et vice versa*, and both for James Pringle, younger of Buckholme, 2000 merks each, not to harm Sir Robert Stewart of Shillinglaw. John Pringle and others.

James Pringle of Hereotmylne, Johne Pringle in Tynnes, and Androw Pringle of Milkanestoun, for William Pringle, younger of Cokilferrie, George Pringle of Newhall, George Pringle of Hoppringle, and James Pringle of Hereotmylne, 1000 merks each, and for William and James Pringles, brothers of George Pringle of Torwodlie, James Rentoun, brother of the Laird of Billie, John Pringle, brother of younger of Cokilferrie, Thomas Pringle, brother of Laird of Newhall, George Pringle, called of

Fol. 101, a.

Smaillumcragis, Robert Pringle, brother of Laird of Hoppringle, James and Johne Pringles, sons of the Laird of Hereotmylne, James and Thomas Pringles, brothers of Johnne Pringle in Tynnes, George Pringle in Newmylnes, and Johne Pringle, son of the Goodman of Buckholme, 500 merks, not to harm Sir Robert Stewart of Shillinglaw,—Johne Pringle, elder of Buckholme, becoming surety in relief. William Pringle and others.

Johne Pringle of Buckholme and James Pringle of Hereotmylne for John Pringle and others.

Johne Pringle in Tynnes, 500 merks, and the first and last for the second, 1000 merks, and the said Laird of Buckholme and James Pringle, his eldest son, for George, Robert, Johne, David, and Alexander Pringles, brothers of the Goodman of Quhytbank, 500 merks each, not to harm Sir Robert Stewart of Shillinglaw. Acta Caut. 1605–1607. Fol. 101, b.

James Pringle. George Pringle of Torwodley, and Johne Pringle, elder of Buckholme, for James Pringle, younger of Quhytbank, 2000 merks, not to harm Sir Robert Stewart of Shillinglaw.

Archibald Maxwell. Archibald Maxwell, sometime servitor to Johnne, Lord Maxwell, appears before the Council and declares by his great oath that he can get no cautioner for his answering when charged touching the crime of adultery "allegeit" against him by Johnne, Lord Maxwell, and accordingly gives his own great oath to answer in the said matter when required, under pain of perjury and defamation. Fol. 102, a.

John Cumming of Ernside and his son. William Cuming, fiar of Ernissyde, for Johnne Cuming of Ernissyde, £1000, and for Johnne Cuming, his son, 400 merks, not to harm Stephane Johnnstoun in the College of Elgin, conform to the King's letters dated at Edinburgh 5th February 1603.—The band, registered by Mr Alexander Cuming, advocate, and written by Androw Innes, servitor to George Annand, burgess of Elgin, is subscribed at Elgin, 24th September, before Waltir Innes, servitor to said Johne Cuming of Ernissyde, the said writer hereof, and William Annand, son of Mr Thomas Annand, burgess of Elgin.

Edinburgh, 3rd October. Sir James Scott of Abbotshall. Williame Couper, burgess of Kirkcaldy, for Sir James Scot of Abbotishall, 500 merks, to answer before the Council on 21st instant to a complaint against him by Margaret Hepburne, Lady Pitfirren, and Fredrik Stewart, her son, for destroying a great quantity of growing corns on their lands of Coilpotmure, hurting one of her servants and putting him in the "theifishoill"; also to pay to the Treasurer £20 for his escheat in case it be found that he is orderly denounced rebel. Fol. 102, b.

Edinburgh, 8th October. Thomas Kennedy. Johne Kennedy of Hallaythis for Thomas Kennedy of Hallaythis, 1000 merks, not to harm Robert Johnnstoun, called Hob of Bankis, or Johnne Johnnstoun, his son.—The band, registered by James King, advocate, and written by Harbert Cunynghame, notary, is subscribed at Drumfreis, 6th October, before Andro Cunynghame, burgess there, George Cunynghame of Schawis, George Cunynghame, writer in Drumfreis, and Alexander Hope there,—Harbert Cunynghame and Robert Cunynghame, notaries, subscribing for the surety. Fol. 103, b.

Edinburgh, 9th October. Mr Alexander Yule. Johnne Yule, merchant, burgess of Edinburgh, for Mr Alexander Yule schoolmaster of Striveling, £100, to repair to the burgh of Striveling and accept upon him the charge of a quartermaster during the continuance of the "plague of pestilence" in the said burgh, if it be found that he ought to do so at the diet appointed for the trial on 31st instant; to which the provost and bailies of Striveling are ordained to be summoned.

James Ramsay. David Libertoun, baker, burgess of Edinburgh, for James Ramsay, one of his Majesty's Guard, 500 merks, to answer on 23rd instant to anything Robert Arnot of Newtoun, comptroller depute, has to lay to his charge.

Acta Caut. 1605–1607. Fol. 103, b.

Thomas Bell, portioner of Calsayend of Couper, for David Cuming in Ardormie, 500 merks, and for Johnne and Archibald Cumingis, his sons, 300 merks each, not to harm Lowrence Reid in the said town, or Patrik and William Reidis, his brothers.—The band, registered by Mr Alexander Cuming, advocate, and written by Waltir Ramsay, notary, is subscribed at Couper, 8th October, before Robert Turneble of Wester Denheid, Robert Alexander (Alshunder) of New Calsay, George Campbell, brother of Patrik Campbell of Kethik, Robert Duncane, younger in Galaray, Johne Pilmor, messenger, and the said writer hereof,—the said notary subscribing for Thomas Bell and David Cuming. Edinburgh, 11th Oct. David Cumming and his sons.

Fol. 104, a.

Johnne Kennedy of Hallaythis for Adame Johnnstoun of the Neis, 500 merks, not to harm Robert Johnnstoun, called Hob of the Bankis, or Johnne Johnnstoun, his son.—The band, registered by Mr Thomas Hoip, advocate, and written by Robert Cunynghame, notary, is subscribed at Drumfreis, 6th October, before Andro Cunynghame, burgess there, George Cunynghame in Schaw, George Cunynghame, writer, and Alexander Hoip in Drumfreis,—Harbert Cunynghame and Robert Cunynghame, notaries, subscribing for the surety. Edinburgh, 13th Oct. Adam Johnstone.

Adame Corsane, late bailie of Drumfreis, for Androw Lachlesone in Burnesyde, 300 merks, not to harm Johne Kirkpatrik of Aleisland, conform to the King's letters given under his signet at Edinburgh 25th August last.—The band, registered by James King, advocate, and written by Robert Maxwell, notary, is subscribed at Drumfreis, 9th October, before Robert Maxwell, apparent of Portraik, Eduard Maxwell of Trostane, William Ahannay, burgess of Drumfreis, and Homer Maxwell,—said writer hereof subscribing for the principal. Andrew Lachlison.

Fol. 104, b.

James Johnnstoun of Westerhall for Robert Johnnstoun of Cokrigis, 500 merks, not to harm Robert Johnnstoun, called Hob of Bankis, or Johne Johnnstoun, his son.—The band, registered by Mr Isaak Broun, advocate, is subscribed at Cragburne, 12th October, before Jaffray Irwing, younger of Wysbie, William Irwing of Kirkconnell, Cristie Irwing of Ellerbeck, Robert Moffet of Milktounesyde, and Thomas Moffet. Edinburgh, 17th Oct. Robert Johnstone.

Fol. 105, a.

Acta Caut. 1591–1616. Fol. 89, b.

Mr James Durhame of Duntarvie for Mr Thomas Cranstoun of Moreistoun and Robert Edzar of Wodderlie, 2000 merks each, not to harm George Home of Flas, Archibald Home in Saint Leonardis, Alexander and Johne Homes, his brothers, or Mr Robert Home of Carrelsyd. Linlithgow, 23rd October. Mr Thomas Cranston and Robert Edgar.

Johne Seytoun of Tullybody for George Home of Flas, 2000 merks, for Mr Robert Home of Carrelsyd, Alexander Home of Saint Leonardis, Archibald and Johne Homes, his brothers, £500 each, not to harm Robert Edzar of Wodderlie or Mr Thomas Cranstoun of Moreistoun. Linlithgow, 24th October. George Home and others.

Fol. 90, a.

Gabriell Listoun, barker, burgess of Glasgow, for Adame Neill, cordiner, burgess there, *et vice versa*, £200 each, to behave themselves dutifully hereafter to the magistrates of the said city. Gabriel Liston and Adam Neill.

Robert Naper of Blakyairdis for Gabriell Corbett of Hardgray, *et vice versa*, £500 each, not to repair to the city of Glasgow without license of the Privy Council. Robert Napier and Gabriel Corbet.

Mr James Corbet. James Stewart, burgess of Glasgow, for Mr James Corbett of Toircors, £500, not to repair to Glasgow without the Privy Council's license. Acta Caut. 1591–1616.

James Stewart. Mr James Corbett of Toircors for James Stewart, burgess of Glasgow, £500, to behave hereafter dutifully to the magistrates of Glasgow.

William Limburner and other burgesses of Glasgow. Robert Naper of Blakyairdis for William Lymburner, goldsmith, Johne Buntene, flesher, and Johne Herper, cutler, burgesses of Glasgow; Sir Walter Stewart of Arthorlie for Mr Johne Ros, Symone Stewart, merchant, Johne Stewart, cordiner, William Stobo, messenger, Mr Robert Allansone, Johne Dalrumple, tailor, William Hereot, baxter, Andro Fairlie, maltman, Robert Farie, his son, burgesses of Glasgow, and Johne Duncane, smith; Thomas Faysyd, baxter, for Niniane Andersone, cordiner, burgess of Glas- Fol. 90, b.
gow, *et vice versa;* Thomas Reid, gardener, for George Bogill, maltman, burgess of Glasgow, *et vice versa;* Gabriell Corbett of Hardgray for Alexander Stewart, servitor to Walter, Lord of Blantyre; David Corbet, burgess of Glasgow, and James Stewart, son natural of the said James Stewart, burgess there; Mr Robert Allansone for Mr Johne Horner, maltman, burgess of Glasgow; Williame Hereot, baxter, for Hew Neisbett, officer of the barony of Glasgow; Niniane Andersone, cordiner, for Gilbert Waddrop, cordiner, burgess of Glasgow; Johne Buntene, flesher, for George Brume, flesher; said. Sir Walter Stewart for Johne Stewart, maltman, and Thomas Clogie, burgesses of Glasgow,—to behave hereafter dutifully to the magistrates of Glasgow and to obey them in all things, under the pains following: viz. said Mr Johne Ros, £500, Andro Farie, 500 merks, James Stewart, bastard, William Lymburner, Johne Duncane, Thomas Fawsyd, Niniane Andersone, George Bogill, Mr Johne Horner, Thomas Clogy, Robert Fary, Mr Robert Allansone, Symone Stewart, £200 each, and every one of the others £100.

Edinburgh, 29th October. Robert and Mark Ker. Andro Ker of Lyntoun for Robert Ker, apparent of Kippielaw, 1000 merks, and for Merk Ker, his , 500 merks, not to harm Andro Pringle, son of Thomas Pringle of Milkanstoun. Acta Caut. 1605–1607. Fol. 105, a.

David Gourlay. David Forret of that Ilk for David Gourlaw of Southeild, 1000 merks, not to harm David Dik in Pursk.—The band, registered by Mr Johne M°Gill, advocate, and written by David Andirsoun, notary public, is sub- Fol. 105, b.
scribed at Couper, 26th October, before Patrik Pitblado, burgess there, Johnne Forret, son of the said surety, Andro Leyis in Thomestoun, and said writer hereof.

Edinburgh, 30th October. Lawrence Reid. Johnne Reid, portioner of Kirktoun of Rattray, for Lowrence Reid in Ardormie, 500 merks, not to harm David Cuming in Ardormie, Johne and Archibald Cumingis, his sons.—The band, registered by Mr Alexander Cuming, advocate, and written by Johnne Blair, notary public, is sub- Fol. 106, a.
scribed at the Kirktoun of Rattray, 27th October, before George Ramsay in Haltoun of Rattray, David Hauch in Mylnetoun of Rettray, Johnne Hauche, his son, William Schippert in the said Kirktoun, and said writer hereof,—the last subscribing for Johnne Reid and Lowrence Reid.

Edinburgh, 22nd Nov. Williame Reid of Easter Ratray for William Reid in Ardormie, 500 merks, not to harm David Cumeing there, or Johne and Archibald Cume-

Acta Caut. 1605–1607. Fol. 106, b.

ingis, his sons.—The band, registered by Mr William Naper, advocate, and written by Thomas Donaldsone, servitor to Donald Cargill, notary public, is subscribed at the Kirktoun of Rottray and Easter Rattray, 19th November, before Patrik Reid, brother of the said principal, Andro Lyoun in the said Kirktoun, Thomas Ewett, servitor to Johne Reid there, said Donald Cargill, Johne Cargill, his son, and said Donaldsone,—Donald Cargill subscribing for the principal. William Reid.

Alexander Twedy of Moit for James Sommervaill of Spittell, not to harm Robert Douglas of Todhollis, Hammiltoun, relict of William Somervaill of Spittell, or James Douglas, apparent of Wellis, now her spouse, under the pains in the King's letters. Edinburgh 28th Nov. James Somerville.

Johnne Hammiltoun in Nether Hairschaw for Ewphane Montgomery, his spouse, Gawin and Archibald Hammiltonis, his sons, Johne Montgomerie in Grenefeild, James Hammiltoun in Haisdane, Johne Kirkland in Carrochhoill, Symon Hammiltoun in Busby, and William Hammiltoun, his brother, there, 400 merks each, not to harm Jonet Young, sometime of Nether Hairschaw, Johne and Andro Brysonis, her sons, Alexander Young in Ardoch, Johne and James Youngis, his sons, Johne Young in Cathcairt, or Johne and Alexander Youngis, his sons; also to pay to the Treasurer, each of them for their escheat goods, £10, in case it be found that they ought to do the same. Edinburgh, 29th Nov. Eufane Montgomery and others.

Fol. 107, a.

Robert Crawfurd, son of Johne Crawfurd, glasswright, burgess of Air, for David Crawfurd, customer of Air, £1000, not to harm Adame Richie, merchant, burgess of Air, or William Cunynghame, merchant, burgess there.—The band, registered by Mr Umphra Blinsel, advocate, is subscribed at Air, 27th November, before James Johnestoun, Johnne Craufurd, merchant, Johne Dalrumple, skipper, and David Buthill, mason, burgess of Air,—John Masoun and George Masone, notaries, subscribing for the surety. Edinburgh, 1st Dec. David Crawford.

Fol 107, b.

Thomas Grant of Culquhoth for Stephane Johnstoun in the College of Elgin, 500 merks, not to harm Johne Cuming of Irnesyd, or Johne Cuming, his son, conform to the King's letters dated at Edinburgh 30th September 1606.—The band, registered by Mr Robert Lintoun, advocate, and written by the said principal, is subscribed at Elgin, 11th November, before Nicolas Dunbar, son of Mr Johne Dunbar of Mest, Andro Watsoun, merchant in Elgin, Thomas Mill, merchant burgess there, and Thomas Gairdin, one of the commissary officers. Stephen Johnstone.

Fol. 108, a.

Mr Walter Ros of Little Allane for Mr Johne Ros, minister at Logy, 5000 merks, not to harm James Corbet, portioner of Arkboll, or James Corbatt, his son, burgess of Tayne.—The band, registered by Mr William Borthuik, advocate, is subscribed at Tayne, 24th September 1606, before David Ros, son of the said Mr Johne, Johne Ros, also his son, Androw M^{c}Gowin in Little Allan, and William M^{c}Watt, servitor to the said minister. Edinburgh, 3rd Dec. Mr John Ross, minister at Logy.

Fol. 108, b.

Mr Gawin Douglas, burgess of Elgin, for James Gibsoun, merchant, burgess in Dundie, 500 merks, not to harm the provost, bailies, and Edinburgh, 5th Dec. James Gibson.

council of Elgin, conform to the King's letters dated 16th May 1601.— The band, registered by Mr Oliver Colt, advocate, and written by Alexander Suthirland, burgess in Elgin, is subscribed at Elgin, 5th September, 1606, before Waltir Smyth, messenger, burgess there, George Leslie, son of late Mr Alexander Leslie, parson of Rothes, and the said writer hereof. Acta Caut. 1605-1607.

Edinburgh, 6th Dec. William Edmiston.

Edmestoun of that Ilk for William Edmestoun, fiar of Duntreith, to underlie the censure of the Council in case the complaint made by him against Sir James Edmestoun of Duntraith, his father, for taking the place of Duntraith and intromitting with 11,000 merks being therein, pertaining to the said William, be not true.

Edinburgh, 8th Dec. James Borthwick.

James Borthuik, fiar of Lochhill, as principal, and Mr James Borthuik of Lochhill, his father, as surety, 1000 merks, not to harm William Hervie in Lochhill. Fol. 109, a.

Edinburgh, 9th Dec. John Finlay and others.

Mathew Flemyng, merchant, burgess of Glasgow, for Johnne Finla of Bertibeyth, James, Thomas, and Robert Finlayis, his brothers, and Thomas Lowgie, son of Arthour Lowgie in Lochwode, 500 merks each, not to harm David Schankis in Gartleis, tenant of Robert Boyd of Badinhaith.—The band, registered by Mr Isaak Broun, advocate, and written by Johne Finlay, is subscribed at Glasgow, 7th December, before Johnne Gibsoun and Niniane Houstoun, burgesses there, and Thomas Scot, baxter, burgess there. Fol. 109, b.

Edinburgh, 10th Dec. John Hamilton.

Johnne Hammiltoun in Chapell, as principal, and Johnne Maitland, tutor of Ecclis, as surety, £1000, not to harm Mr James Durehame of Duntravie.

Mr James Weir and William Weir.

James Weir of Blaikwode for Mr James Weir in Grensyde of Lesmahago and William Weir, apparent of Scorriholme, £1000 each, not to harm Mr James Durehame of Duntervie.—The band, registered by Mr Thomas Gray, advocate, and written by Robert Bannatyne, writer, is subscribed at the Abbey of Lesmahago, 6th December, before Mr James Hammiltoun, minister at Lesmahago, James Bannatyne in Moit, Adame M°Caskie, messenger, and said writer hereof. Fol. 110, a.

Mr James and William Weir.

Johnne Weir of Clenochdyke for Mr James Weir in Grensyde of Lesmahago, and both for William Weir, apparent of Scorieholme, either of them in £1000, not to harm Mr James Durehame of Duntarvie.

Edinburgh, 12th Dec. Matthew Fleming and other merchants of Glasgow.

William Weymes, merchant, burgess of Glasgow, for Archibald Fauldis, dean of Guild of Glasgow, Mathew Flemyng and Johne Bernis, merchants, and for the other merchants of the said city, each of them to pay to Mr Johne Ros and William Stirling, customers of Glasgow, 2s. for each boll of water mete salt imported by them and arriving in the water of Clyde, together with the due custom of all other goods brought home by them, with the custom for every last of salmon, herring, fish, victual, and other merchandise imported by them from England or Ireland and also 13s. 4d. for the "entres silver of thair small boittis arryvand within the said River comeing frome England or Ireland with grite stingis, victuall, or uther small commoditeis," in case it be found that they ought to do so. Fol. 110, b.

Edinburgh, 15th Dec.

James Libertoun in Nether Libertoun for Waltir Scot in Quhitchister,

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called Wattie of the Laik, and Johne Warrok in Edinburgh, either of them in 500 merks, not to harm David Neilsoun, messenger. Walter Scott.

Thomas Kennedy of Ardmillane for Thomas Kennedy of Kirkhill and David Kennedy in Corsis, 500 merks each, not to reset or intercommune with Johne Mure of Auchindrane, conform to the charge given to them at the instance of Johne Neilsoun of Craigcaffy by Johne Fergusoun, messenger.—The band, registered by Mr Thomas Rollok, advocate, is Fol. 111, a. subscribed at the Munkwod, 13th December, before Johne Mure of Craigskeane, James Chalmer, notary, writer hereof, William Stewin in Auchindrene. Thomas Kennedy and David Kennedy.

Gilbert Ros, provost of Mayboill, for Thomas Kennedy of Ardmillane, £500, in manner and to the effect abovewritten.—The band, registered by Fol. 111, b. Rollok and written by James Chalmer, notary, is subscribed at Mayboill, and Munkwod, 13th December, before Robert Hunter, burgess of Air, Robert Hunter in Mayboill, and said writer hereof. Kennedy of Ardmillan.

Sir James Balfoure of Pitculloch for Frances, Earl of Erroll, to pay to the Treasurer the half of the escheat goods of Thomas Crombie in Brodland, Fettes, shepherd, Andro Cantlie in Dubury, Patrik Snell, Andro Snell, Andro Robertsoun, Patrik Barcar, Johnne Pyet, and Johnne Barrie, all in the parishes of Slaines, Crowden, and Logybuchan, in case the same fall as escheat by virtue of the commission of justiciary granted to the said Earl against them.—The band, registered by Mr William Hay, advocate, and written by Alexander Wylie, servitor to James Prymrois, Clerk of Council, is subscribed at Slaines, 8th December, before James Conn, Patrik Kynman, and Alexander Davidsoun, servitors to the said noble Earl. Edinburgh, 19th Dec. Earl of Erroll.

Fol. 112, a. Thomas Fairlie, fiar of Comestoun, for Mr Robert Broun, son of Hary Broun, in Edinburgh, 500 merks, to answer before the Council when charged for the assault committed on Robert Stewart in Edinburgh and wounding him in the arm. Edinburgh, 20th Dec. Mr Robert Brown.

Michaell Hall, messenger in Newtyle, for Alexander Robertsoun of Falscalyie, £100, and for Alexander Jamesoun in Kilyiedrochane, Donald Angusoun in Pittildonich, William M^{c}Coneill Kynnes in Pittigoun, William M^{c}Innes in Falscalyie, and Duncane Soutair there, £50 each, every one of them to buy from Sir James Stewart of Balliachin, and Johne Stewart Neilsoun of Fos, factor to James, Earl of Athoill, such quantity of arms as they are legally bound to buy, in case it be found that they ought to do so. Edinburgh, 21st Dec. Alexander Robertson and others.

Gilbert Gray of Sordell for Ferquher Monro of Auldie, to deliver to Katherene M^{c}Culloch, his spouse, 26 bolls of "cheritit beir" upon the shore of Leyth,—she "beiring the heasard"—yearly in time coming "during thair not adherence," between the Feasts of Beltane and Lammas, beginning with the crop of 1605; also to pay to her the highest prices that such victual gives in Tayne or Leith; farther, to deliver to her Fol. 112, b. certain habiliments mentioned in the decree obtained by her against him on 31st December 1605: all in case it be found that he ought to do the Farquhar Munro.

same. Accordingly, the said decree is suspended till 10th January, and she, and Thomas Lindsay, her son natural, assignee to the decree, are ordained to be warned to 1st January. Acta Caut. 1605-1607.

Edinburgh, 29th Dec. Thomas Fotheringham.

David Lindsay of Balgayis for Thomas Fothringhame of Powrie, 2000 merks, not to harm Mr David Williamsoun, minister at Inverraritie.

Edinburgh, 31st Dec. John Maxwell.

Adame Cunynghame, son of the late Adame Cunynghame of Auchinhervie, for Johne Maxwell of Blairfill, 500 merks, to satisfy the Kirk in all things concerning his religion, in case it be found that he ought to do so; also to pay to the Treasurer £20 for his escheat within 40 days hereof. Fol. 113, a.

Forbes of Tolquhon.

William Forbes of Corsinday for William Forbes of Touquhane, 1000 merks, not to reset or intercommune with William Forbes in Tarrywaill, Johne Forbes, brother of the said William, Robert Skene, called Tutor of Skene, Patrik Forbes *alias* M^{c}Eanere, Mr Gilbert Johnstoun, son natural of the late Mr William Johnstoun of Standandstanes, Walter Wod in Kirktoun of Skene, or David Falconer, servitor to late David Ros M^{c}William, while they remain at the horn to which they had been put for the slaughter of Robert Irwing in Baidis, and William Broun, servitor toJohne Irwing of Ardtanford.

Agnew of Lochnaw and Mackie of Larg.

William Makkee of Kerequherne for Andro Agnew of Lochnaw, sheriff of Wigtoun, and Patrik M^{c}Kee of Large, 1000 merks each, not to reset or intercommune with Alexander M^{c}Kee of Balseir, or Johne M^{c}Kee, his son, denounced rebels at the instance of Johnne M^{c}Dowall of Freuch and Patrik M^{c}Dowall there for the causes specified in the letters of horning.—The band, registered by Mr Johne Leirmonth, advocate, and written by Johne Turner, notary, is subscribed at Wigtoun, 24th December, Fol. 113, b. before Johne Dunbar, notary, said writer hereof, William M^{c}Kee, burgess in Wigtoun, and William Maxwell, servitor to Turner.

Edinburgh, 1st Jan. 1607. John Govan and others.

Alexander Tait, younger of Pirne, for Johne Govane of Cardrono, £1000, and for James and William Govanes, his brothers, Patrik Govane, son of James Govane, burgess of Peiblis, Patrik Govane, son of Alexander Peiblis (*sic*), burgess there, Alexander Govane in Edinburgh, and Johne Craufurd in Logane, 500 merks each, not to harm Johne Scot, brother of Walter Scot of Tuschelaw, or William Scot, his son.

Maitland of Lethington.

Mr Richard Dowglas of Brockhoillis for James Maitland of Leithing- Fol. 114, a. toun, £1000, not to harm James Lamb, minister at Boltoun.—The band, registered by Mr Laurence M^{c}Gill, advocate, and written by William Sinclaire, servitor to Mr Laurence M^{c}Gill, advocate, is subscribed at Hadingtoun and Edinburgh, 30th and 31st December 1606, before Robert Broun, servitor to the said Mr Richard, William Dowglas, servitor to the Lady Quhittingham, Mr Laurence M^{c}Gill, advocate, William Sinclere, his servant, and Hector Fuird, servitor to the said Laird of Lethingtoun.

William MacDowall.

Alexander M^{c}Dowell of Corryoche for William M^{c}Dowall in Glenquhois, 500 merks, not to harm Piter M^{c}Dowall of Machermoir.—The band, registered by Mr Johne Leirmonth, advocate, and written by William Fol. 114, b. Hair, notary, is subscribed at Monygofe, 29th December 1606, before Johne

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M°Kee of Glenvochie, James Chrychtoun, messenger, and William M°Kene.

Patrik M°Kie of Larg for Johne M°Kee of Glenvochie, 1000 merks, not to reset or intercommune with Alexander M°Kie of Balseir, or Johne M°Kie, his son, denounced rebels at the instance of Johne M°Dowall of Freuche and Patrik M°Dowall there.—The band, registered by Mr Johne Leirmonth, advocate, and written by William Hayre, notary, is subscribed at Monygofe, 24th December 1606, before Johne Dunbar, notary, commissary clerk of Wigtoun, and said writer hereof. John MacKie. Fol. 115, a.

Patrik M°Kie of Large for Alexander M°Kee of Stronord and Gilbert M°Kie in Polgoun, 500 merks each, not to reset Alexander M°Kie of Balseir or Johne M°Kie, his son.—The band is registered, written, dated, and subscribed as above. Alexander and Gilbert MacKie.

Johne M°Kie in the Kirkland of Wigtoun for Malcolme M°Kie there, 500 merks, not to reset Alexander M°Kie of Balseir.—The band, registered by Mr Johne Leirmonth, advocate, and written by Alexander Stevinsone, burgess in Wigtoun, is subscribed at Wigtoun, 24th December 1606, before Umphra Halthorne, burgess there, Adame Hannay, and said writer hereof. Malcolm MacKie. Fol. 115, b.

Malcolme M°Kie in the Kirkland of Wigtoun for Johne M°Kie there, 500 merks, not to reset Alexander M°Kie of Balseir.—The band is registered, written, dated, and subscribed as above. John MacKie.

Laurence Oliphant in Over Turing for Patrik Oliphant in Nether Turing, £500, not to harm Mr James Beatoun in Drimmy. Edinburgh, 3rd Jan. 1607. Fol. 116, a.

Robert Turnbull of the Boigmylne in the Carse of Gowrie for Mr David Williamsone, minister at Maithie, 500 merks, not to harm Thomas Fothringhame of Powry, Johne Butter in the Haltoun of Inneraritie, Patrik Croll there, Johne Miller there, William Kininmonth there, Andro Ra in Happis, Thomas Ra there, David Nicoll there, all tenants to the said Thomas Fothringhame, Thomas Husband, smith at Inneraritie, Thomas Doge in Balgirscho, or Andro Nicoll in Newtoun. Patrick Oliphant. Mr David Williamson.

Sir Robert Bruce of Clakmannane for Patrik Blacader of Mylnehillis, 2000 merks, not to harm James Gib, son of Johne Gib, servitor to his Majesty, conform to the King's letters dated at Edinburgh 2nd December last.—The band, registered by Mr Alexander Cuming, advocate, and written by Mr William Moresone, notary, is subscribed at the place of Clakmannan, 23rd December 1606, before Archibald Bruce of Wester Kennet, David Davidsone in Barnehill, Thomas Coustoun, turner in Clakmannan, Archibald Bruce " my officer," and said writer hereof. Patrick Blackadder. Fol. 116, b.

William Cockburne of that Ilk for Thomas Kincaid, tutor of Wareistoun, £1000, to keep ward in Edinburgh when released furth of Edinburgh Castle till 6 o'clock at night of this day, when he shall re-enter the said Castle. Edinburgh, 7th Jan. Thomas Kincaid.

William Baillie, son and apparent heir of Robert Baillie of Park, for James Grahame of Longboddome, to keep scaithless Sir Robert Scot of Thirlestane as surety for the entry before the Council of Thomas Jardene of Birnok, Umphra and Alexander Jardanes, his sons; also to pay to the Treasurer £10 for his escheat goods within 40 days hereof. Edinburgh, 8th Jan. James Grahame. Fol. 117, a.

George Logan. George Quhippo of Innerteill for George Logane of Bonytoun, and George Logane, his son, £1000, that, on being freed furth of their ward in Edinburgh Castle, they will re-enter the said ward this day by six o'clock at night. Acta Cant. 1605–1607.

Thomas Kincaid. William Cockburne of that Ilk for Thomas Kincaid, tutor of Wareistoun, £1000, in manner and to the effect abovewritten.

Edinburgh, 9th Jan. Captain Thomas Tyrie. David Lyndesay of Balgay for Captain Thomas Tyrie, £1000, to satisfy by 1st May next the presbytery of Edinburgh or Megle anent his religion, and obtain himself relaxed from excommunication, or else by that day to depart this kingdom and not to return without the license of the Council. Fol. 117, b.

Edinburgh, 12th Jan. Robert Cunninghame. Alexander Carmichaell of Burnehous for Robert Cunynghame, brother of the Tutor of Bonytoun, 500 merks, to answer before the Council on 1st February next for his alleged bearing and wearing of hagbuts and pistolets; also to pay to the Treasurer for his escheat goods the sum of within 40 days hereof.

Edinburgh, 14th Jan. John and Allaster Robertson. Johne Robertsoun, elder, merchant, burgess of Edinburgh, for Johne Robertsone of Straloche, and Allester Robertsone, *alias* Toirlasoun, in Boillingrewe, either of them in 5000 merks, to remain in Edinburgh on being released furth of their present ward in Edinburgh Castle. Fol. 118, a.

Edinburgh, 16th Jan. Mr Alexander and John Dunlop. James Dunlop of that Ilk and James Mowat of Busbie for Mr Alexander Dunlop, son of the said James, and for Johne Dunlop, either of them in £1000, to answer before the Council when charged touching the "mutuall persute" between them on the one part and Cunynghame, brother of the Laird of Tourlandis, on the other part, in the burgh of Edinburgh on 15th instant.

Edinburgh, 17th Jan. Constine Hind. Adame Malice, merchant, burgess of Perth, for Constyne Hynde, tailor at the Brigend of Perth, 500 merks, not to harm Johne Ronald, flesher, burgess of Perth. Fol. 118, b.

William Thomson. George Grahame of Drimmie for Williame Thomsone, burgess of Rosemarkie, 1000 merks, not to harm Kenneth M^{c}Kenzie of Kintaill, conform to the King's letters dated 18th December last.—The band, registered by Mr Alexander Levingstoun, advocate, and written by David Skougall, servitor to William Lauder, is subscribed at the Chanonry of Ros, 8th January, before Mr James Lauder, minister at Avach, George Gollane, son of late Mungo Gollane, burgess of Rosmarkie, and the said William Lauder and David Skougall. Fol. 119, a.

Patrick Reid. Patrik Steill of Tempilhous of Rottray for Patrik Reid in Ordormie, 300 merks, not to harm David Cuming in Ardormie, or Johne and Archibald Cumingis, his sons.—The band, registered by Mr Henry Balfour, advocate, and written by Hew Tewch, writer in the Kirktoun of Rottray, is subscribed at the said Kirktoun, 11th January, before Johne Reid, portioner of Kirktoun of Rottray, James Andro there, Patrik Ramsay there, and William Ramsay, his son. Fol. 119, b.

Edinburgh, 21st Jan. Sir Thomas Stewart of Garntully, Johne Stewart of Arnetully, Sir James Stewart of Ballachane, and Johne Stewart of Granych, for Johne

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Robertsone of Straloche, and Allester Robertsone, *alias* Tarlasone in Ballingreve (Balnagraw), either of them in 5000 merks, to answer before the Council when charged touching their resset of Johne Dow M^cGillie-callame and his brother.—Accordingly, the caution by Johne Robertsone, merchant, burgess of Edinburgh, that the said principals would keep ward in Edinburgh till freed by the Council, is discharged. John and Allaster Robertson.

Fol. 120, a.

Johne Weymes of Cragtoun for James Stewart of Burra and Andro Bruce in Wester Maill in Burra in Orkna, not to harm William Sinclere of Ethay, under the pains in the King's letters. James Stewart and Andrew Bruce.

Duncane Weymes of Pitkeny for Mr David Weims, his son, £1000, to answer before the Council on 26th February next for his hurting of Mr Johne Chalmer, minister at Auchindirie (see vol. vi. p. 582). Edinburgh, 24th Jan. Mr David Wemyss.

Fol. 120, b.

Sir Alexander Jardane of Apilgirth for Edward Maxwell of Tinvall, and William Maxwell, his eldest son, either of them in 2000 merks, not to harm Alexander Maxwell of Crockatfurd, or William Maxwell, his brother. Edinburgh, 27th Jan. Edward Maxwell and son.

Johne Maxwell of Conhaith for Thomas Maxwell, brother of Alexander Maxwell of Butlemains, 500 merks, to pay to the Treasurer £20 for his escheat within 40 days hereof, or else obtain nullity of the horning used against him by Thomas Lindsay, elder of Fairgirth, for not finding caution to him for his indemnity. Thomas Maxwell.

Andro Riddell of that Ilk for Alexander Horsburgh of that Ilk, 2000 merks, and for James Sandielandis, younger of Bold, 1000 merks, not to harm Mr James Logane, minister at Eddlestoun Kirk. Edinburgh, 30th Jan. Horsburgh and Sandilands.

Fol. 121, a.

Oliver Rattray of Little Tullymurdoch for David Cuming in Ardormie, 500 merks, not to harm Lowrence Reid in Ardormie, Patrik, William, and George Reidis, his brothers, or William Reid, his son.—The band, registered by Mr Alexander Cuming, advocate, and written by James Forrester, notary, is subscribed at Alyth, 4th February, before Patrik Saltir in Alyth, Johne and James Saltiris, his brothers, James Simpsoun, school-master there, said writer hereof, and James Sanderis, notary,—the last two subscribing for the principal and surety. Edinburgh, 5th Feb. David Cumming.

Fol. 121, b.

Andro, Lord Stewart of Uchiltrie, and Sir Robert Creichtoun of Cluny, for James, Earl of Athoill, 20,000 merks, that, on being released furth of ward in Edinburgh Castle, he will remain in the burgh of Edinburgh till he be freed by the Council. Earl of Atholl.

Thomas M^cCulloch of Barholme for Thomas MakCulloch, son of the late William MakCulloch of Ardwald, £1000, not to harm Margaret Mure, relict of the said William and mother of the said Thomas; also to pay for his escheat 10 merks to the Treasurer within 40 days hereof. Edinburgh, 9th Feb. Thomas MacCulloch.

Fol. 122, a.

Robert Skene of Tillibirlach, and Duncane Forbes, apparent of Kamphell, for Thomas Fraser in Pitquoltines and George Fraser in Corsquie, either of them in 1000 merks, not to harm Niniane Hog of Blarydryne, or Niniane Hog, his son and apparent heir. Edinburgh, 11th Feb. George and Thomas Fraser.

Robert Blaw, burgess of Culrois, for Johnne Patersoun, burgess there, 1000 merks, not to harm Johne Blaw, also burgess there. Edinburgh, 12th Feb. John Paterson.

Edinburgh, 13th Feb. Andrew Horsburgh.

Johne Spotiswoode of Quhitlie for Androw Horsburgh, second son of Alexander Horsburgh, elder of that Ilk, £500, not to harm Mr James Logane, minister at Eddilstoun. Acta Caut. 1605–1607. Fol. 122, b.

Mr David Rattray.

William Forbes in Achorsk for Mr David Ratray, minister at Crowden, £500, not to harm dame Agnes Sinclair, Countess of Erroll, or Alexander Gordoun of Strathdowne.

John Gaw of Maw.

Johne Dick, fiar of Caitmoir, for Johne Gaw of Maw, £1000, not to harm George Bruce of Carnok.—The band, registered by Mr William Hay, advocate, and written by Johne Peirsoun, servitor to Robert Alschunder, writer, is subscribed at the Castle of Edinburgh, 13th February, before Alexander Dick, brother of the said Johnne, Normond Cunysoun, one of the soldiers in the Castle, Thomas Broun, servitor to the principal, and said Robert Alschunder. Fol. 123, a.

Edinburgh, 14th Feb. Gilbert Cock.

Gilbert Cock in Innerquhombrie for Gilbert Cock in Aschew, his son, £500, not to harm dame Agnes Sinclere, Countess of Arroll, or Alexander Gordoun of Stradoun, her spouse, conform to the King's letters dated at Edinburgh 12th August last.—The band, registered by Mr Patrik Forrester, advocate, is subscribed at Aberdene, 9th February, before Alexander Gray in Petirhead, Thomas Hervie, burgess of Aberdene, Robert Steuart, burgess there, and James Davidsoun, notary in Aberdene, writer hereof,—Davidsoun, and Mr William Reid, notary, subscribing for the surety and principal. Fol. 123, b.

Edinburgh, 17th Feb. Malcolm Fraser.

Symond, Lord Fraser of Lowet, for Malcolm Fraser of Ruven, £1000, not to harm James Fraser of Phopochie.—The band, registered by Mr Oliver Colt, younger, advocate, and written by William Campbell, notary public, is subscribed at Inuernes, 9th February, before Donald Fraser and Patrik Fraser, "my servitouris," and said writer hereof.

Edinburgh, 18th Feb. Hew and Thomas MacConnill.

Hew M°Connell, son of David M°Connell in Craigonild, as principal, and Thomas M°Connell, son of Patrik M°Connell in M°Claithstoun, as surety, *et vice versa*, 300 merks each, to answer before the Council on 12th March next to a complaint against them by his Majesty's Treasurer and Advocate for besieging the house of Auchinsoule, raising fire therein, taking dame Marie Fleming, Countess of Cassillis, and keeping her prisoner. Fol. 124, a.

Edinburgh, 20th Feb. George Reid and others.

Duncane Forbes of Bichny for George Reid in the New Mill of Clowa, and Thomas and Alexander Mitchellis in Auchindoir, 300 merks each, not to harm or molest others for any cause whatsoever.

Sir David Wood and others.

Johne Gordoun of Bucky for Sir David Wod, apparent of Bonytoun, £1000, and for Alexander Wod and James Seytoun, his servants, 200 merks each, not to harm George Wardlaw, sheriff clerk of Forfer.

Edinburgh, 21st Feb. Irvine of Belty.

Francis Irwing, apparent of Hairgillis, for William Irwing of Beltie, 1000 merks, not to reset or intercommune with Mr Patrik and Thomas Fraseris, sons of Thomas Fraser, elder of Durris, while they lie at the horn for the slaughter of Robert Irving of Glassill and Robert Burnet of Cowcardie. Fol. 124, b.

Fraser, younger of Durris, and others.

Thomas Fraser of Durris and Thomas Burnet of Cluny for Alexander Fraser, fiar of Durris, and Thomas Fraser, his son, £1000 each, and for

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Johne Fraser of Tullibowry, Robert Fraser of Brachmonth, James Fraser of Ballindrum, and Thomas Fraser in Pettcoltenis, 500 merks each, not to reset or intercommune with Thomas Fraser or Mr Patrik Fraser, denounced to the horn on 22nd July last for the slaughter of William Irwing and Robert Burnet, committed by them in June last: conform to the charge given at the instance of Margaret Gordon, relict of William Irwing in Toillinturke, Robert Irwing of Glassell, and James Burnet in Brachinche, father-brother of the late Robert Burnet of Cowcardie.—The

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band, registered by Mr James Donnaldsone, advocate, is subscribed at Beltie, 16th February, before William Gordoun of Kennetie, Adame Fraser in Finyeach, Archibald Froslett, and James Fraser, writer hereof.

John Forbes of Echt.

Mr Duncane Forbes of Balnagask for Johne Forbes of Echt, £1000, in manner and to the effect abovewritten.—The band, registered by Donaldsone, is subscribed at Echt and Letter of Skein, 15th February, before Mr Robert Forbes, minister at Echt, Robert Forbes, portioner of Fynnerseis,

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Johne Forbes, elder of Wester Echt, Johne Cusny, notary public, writer hereof.

Thomas Fraser of Durris and others.

James Burnett of Arsballow for Thomas Fraser of Durris, £1000, and for James Fraser, his son, and Robert Downy at the Mill of Beltie, 500 merks each, also in manner and to the effect abovewritten.—The band, registered by Donaldsone, is subscribed at Beltie and Echt, 15th February, before Robert Forbes, portioner of Fynnerseis, Robert Forbes, son of late Robert Forbes of Echt, James Fraser, writer hereof, Mr Robert Reid, Alexander Chalmer of Beilnocarran, and Johne Chalmer,—Johne Cusny subscribing for Downy.

Fol. 126, a.

Gordon of Abergeldie.

Johne Skrymgeour, apparent of Dudhop, for the right honourable Mr William Gordoun of Aberyeldie, £1000, in like manner as aforesaid.—The band, registered by Mr Laurence M°Gill, advocate, and written by Mr Alexander Wodderburn, clerk of Dundie, is subscribed at the said burgh, 20th February, before Mr James Nicolsone, parson of Megill, Mr David Lindsay, minister at Dundie, and said writer hereof.

Edinburgh, 25th Feb. Sir David Wood and others.

Sir Robert Creichtoun of Cluny and Sir James Foister of Carden for Sir David Wode, apparent of Bonnytoun, £1000, and for Alexander Wode and James Seytoun, his servants, 200 merks each, not to harm

Fol. 126, b.

George Wardlaw, sheriff clerk of Forfair.

William Grierson.

George Greir (Griersoun) of Drumloff for William Griersoun of Dagonour, £500, not to harm George Edzer, merchant, burgess in Drumfreis.

Edinburgh, 26th Feb. Patrick MacEwne and others.

Robert Campbell of Glenphalloch for Patrik M°Ewne, Andro M°Alester, Duncane M°Glassen, and Stewin M°Eane Moir, all in Dunfalladis, Andro M°Inteir in Stuckis, Johne M°Donachie W°Keyich there, Johne M°Andro Duy there, 100 merks each, to buy the legal outfit of arms from Sir James Stewart of Ballachane.

Edinburgh, 2nd March. William and Thomas Grierson.

Sir William Greir of Lag for William Grier of Dalgonour, £500, and for Thomas Grier, his brother, 400 merks, not to harm George Edzer, merchant, burgess of Drumfreis, Gilbert Greirsoun in Little Dempstertoun,

Cuthbert Griersoun there, William M°Fedyeane there, Thomas M°Fedyeane there, Bessie Maxwell there, Johne M°Kynnay there, or Johne M°Chachter there. Acta Cant. 1605–1607. Fol. 127, a.

Isobel Cumming.

Stephane Johnstoun for Isobell Cuming, his mother, in the College of Elgin, 500 merks, not to harm Johne Cuming of Ernesyd or Johne Cuming, his son.

Edinburgh, 4th March. Adam Menzies and his wife.

James Betoun of Melgolme for Adame Menzeis of Enoch, and Margaret Lindsay, his spouse, 1000 merks, to appear before the presbytery of Edinburgh when charged to give the confession of their faith; the said Adame also to answer before the presbytery of Drumfreis for his alleged injuring of Mr David Rodger, minister at Carlaverok, and for his reasoning against the religion, not resorting to the Kirk, and riding in time of preaching.

Edinburgh, 5th March. John Hiddleston.

Harbert Maxwell, son of Edward Maxwell of Tynwall, for Johne Hiddilstoun of Templand-mill, 1000 merks, not to harm David Young in Dalgarnok-gate, William Young, his eldest son, Thomas Bell in Scheilgrene, William and Waltir Bellis, his sons, Johne Hairstanes in Know, Alexander Amiligane in Holme, Johne Tait in Kirkland, James Ker there, James Young, chirurgeon, burgess in Drumfreis, Patrik Young, his son, James Young, maltman, burgess of Drumfreis, Johne Young in Connyngholme, or Johne and James Youngis, his . Fol. 127, b.

Edinburgh, 6th March. Archibald Stewart.

Hary, Commendator of Sanct Colme, for Archibald Stewart, constable of Doun Castle, £500, that, on being freed furth of Edinburgh Castle, he will enter within 48 hours thereafter in Striveling Castle.

Edinburgh, 7th March. Stewart of Garlies.

Alexander Stewart of Large for Alexander Stewart of Garleis, £1000, not to harm Robert Kay. Fol. 128, a.

Edinburgh, 9th March. Alexander and Patrick Calder.

Johne Gordoun of Blelok for Alexander Calder of Oslound and Patrik Calder in Dursaill, 500 merks each, not to reset or intercommune with Mr Patrik Fraser or Thomas Fraser, sons of Thomas Fraser of Durris, during their rebellion for the slaughter of William Irwing and Robert Burnet, conform to the charge, of date at Edinburgh 13th January, given to them by Alexander George, messenger.—The band, registered by Mr Oliver Colt, elder, advocate, and written by Alexander Middeltoun, notary public, is subscribed at Blelok and Towie, 4th March, before Johne Calder of Easter Migivie, James Gordoun in Kannouris, George Gordoun, son of the said Johne Gordoun, Johne Gordoun in Carnemoir, Hew Calder, brother of the said Alexander Calder, and Johne Calder, son of said Johne Calder,—Middeltoun subscribing for the said Johne Gordoun. Fol. 128, b.

William Gordon and Adam Fraser.

Alexander Duff of Torreseull for William Gordoun of Kennertie and Adame Fraser of Findeyeauch, 1000 merks each, not to reset or intercommune with Mr Patrik Fraser or Thomas Fraser, rebels for the cause foresaid.—The band, registered by Mr Oliver Colt, younger, advocate, and written by Mr Patrik Andersone, notary public, is subscribed at Torreseull, 3rd March, before George Simpsone, servitor to the said Alexander, Thomas Fiddes in Torreseull, George Moyer there, and said writer hereof.

Walter Scot of Tuschelaw, as principal, and William Scot of Howpaislet, Fol. 129, a.

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as surety for him, 1000 merks, and both for France Armestrang, called of Kynmonth, in Mombyhirst, and Johnne Armestrang of Lyn in Mombyhirst, 500 merks each, not to harm James Maxwell or Robert Douglas, servitors to our Sovereign Lord. Edinburgh, 10th March. Walter Scott and others.

Aula M°Caulay of Ardincaple for Johnne M°Coull in Glennane and Donald M°Knett in Easter Ardincaple, 200 merks each, to answer before the Council when charged touching the escaping of Archibald Dow M°Coneill furth of Dunbertane Castle. John MacCoull and Donald MacNett.

Aulay M°Cawlay of Ardincaple for Robert Buntene, brother of Johnne Buntene of Airdoch, 1000 merks, and for Johne Dunlop in Milligis, 300 merks, to the effect abovewritten. Robert Buntine and John Dunlop.

Fol. 129, b.

Waltir Stewart of Kirkland for Alexander Stewart, son of James Stewart of Tynnes, not to harm James Pringle, apparent of Buckholme, Johnne Pringle of Tynnes, or James and Thomas Pringlis, his brothers, under the pains in the King's letters; also to pay to the Treasurer £10 for his escheat goods. Edinburgh, 11th March. Alexander Stewart.

Thomas Fairlie, fiar of Colmestoun, for Lowrence Oliphant of Condie, £500, not to harm Petir Murray, chamberlain to Lowrence, Lord Oliphant, Alexander Moresoun, David Malcolme, Johne Boiswell, his servants, or Johne Firskene in Bursyde. Edinburgh, 12th March. Laurence Oliphant.

Fol. 130, a.

Thomas Craigingelt of that Ilk for Johne Donaldsone, merchant, burgess of Stirling, 1000 merks, and both for Mausie Auchmowtie, relict of Johne Donaldsone, merchant, burgess of the said burgh, and William and James Donaldsones, brothers of the said Johne Donaldsone, 500 merks each, not to harm Johne Adamsone, notary, burgess of Stirling. Edinburgh, 13th March. John Donaldson and Mausie Auchmutie.

George Meldrum of Haltoun for Robert Innes of that Ilk, 2000 merks, not to harm James, Earl of Murray, or Andro, Lord Stewairt of Uchiltrie. Robert Innes.

Hew M°Coneill, son of David M°Coneill in Craigauld, for Thomas M°Coneill, son of Patrik M°Coneill in M°Claythstoun, *et vice versa*, 300 merks each, to answer before the Council when charged for besieging the house of Auchinsoull, raising fire therein, and taking the Countess of Cassillis prisoner (*ante*, p. 666). Thomas and Hew Mac-Connill.

Fol. 130, b.

Thomas Cragingelt of that Ilk and Johne Donaldsone, merchant, burgess of Stirling, for Robert Levingstone of Wester Greinyairdis, 1000 merks, not to harm Johnne Adamesone, notary, burgess of the said burgh. Edinburgh, 14th March. Robert Livingstone.

Johne M°Michaell, merchant, burgess of Edinburgh, for Nicoll Forsyth, merchant, burgess there, 500 merks, not to harm Marioun Forrester, relict of Mr Richard Spens, advocate. Nicol Forsyth.

James Twedy of Dreva for Mr Johne and William Twedyis, his brothers, 500 merks each, not to harm William Horsburgh in Scrogis. Edinburgh, 18th March. William and Mr John Tweedy.

Fol. 131, a.

George Mitchelhill, bailie of Selkirk, as principal, and James Scot, also bailie there, as surety, *et vice versa*, and both for Mr Patrik Schaw, minister at Selkirk, Patrik Kene, Johnne Scot, George Haliwell, Robert Scot, Johne Lidderdaill, William Nicoll, Waltir Dalgleische, Johne Smaill, Mungo Currour, George Dun, James Vent, William Fockart, James Mynto, Robert Melros, Mungo Johnnstoun, David Moffet, Andro Edinburgh, 19th March. Bailies of Selkirk and others.

Brydeine, James Turnble, Thomas Ker, Johne Wilkiesoun, Robert Howie, Thomas Scot, Malcome Turneble, Johne Notman, Waltir Freir, Mungo Cruikschankis, Andro Trumble, Mungo Mittok, Johne Feirgreve, called of Todschaw, Gawin Murray, William Broun, James Wauch, Waltir Haliewall, Johne Cuik, Johne Allane, Thomas Johnestoun, James Bullervell, James Turnble, Andro Angus, James Thomsoun, Robert Dun, David Dun, Johne Feirgreve, Robert Heislop, Robert Syntoun, Robert Cowane, Mungo Cavers, Thomas Currour, Thomas Flescheour, Robert Dobie, Andro Dobie, Thomas Turneble, Robert Turnble, Johne Ewart, Alexander Hall, Richart Cavers, William Curver, Thomas Freir, George Young, James Turneble, Mungo Burne, James Burne, George Wood, Andro Speir, Robert Watsoun, Johne Currour, Thomas Jaksoun, Thomas Patirsoun, Robert Gledstanes, Alexander Young, James Young, Quintene Greinscheillis, George Young, William Mitchelhill, Johne Mitchelhill, Alexander Heislop, James Scot, called Howy's Jamie, Johne Inglis, Johne Flescheour, Johne Lumisdane, Johne Lowrie, James Haliwell, Richart Brewhouse, Adam Lamber, Johne Currour, and David Currour, all burgesses and inhabitants of burgh of Selkirk, 400 merks each, not to harm Waltir Scot, servitor to Sir George Touris of Gairnetoun. Acta Caut. 1605–1607. Fol. 131, b.

Edinburgh, 24th March. Mr Archibald Douglas and others.

Mr Archibald Douglas, parson of Peblis, as principal, and Gilbert Broun of Hairtrie, as surety, 1000 merks, and both for James Twedy of Drummelyeair and William Douglas of Cavers, either of them in £1000, and for James Twedy of Dreva, James Gledstanes, apparent of Coklaw, James Twedy, apparent of Drummelyeair, George Halden of that Ilk, William Dowglas, son of James Douglas of Cavers, 1000 merks each, for Twedy of Howgait, Robert Douglas of Todhollis, Mr Johne Douglas, eldest son of the parson of Peblis, £500 each, and for Johne and Robert Twedyis, brothers of the Laird of Drummelyeair, Walter Twedy, brother of Laird of Howgait, James Twedy, brother of the Laird of Furd, James Douglas, son of the Laird of Todhoillis, Waltir Gledstanes, brother of the Younger of Coklaw, James Douglas, son of the parson of Peblis, William Ellot in Peblis, James Ellot there, Adame Twedy, brother of Laird of Dreva, and Thomas Douglas, brother of the Sheriff of Teviotdaill, 500 merks each, not to harm William Horsburgh in Scrogis.

Edinburgh, 28th March. John Harvy and sons.

Andro Greir, merchant, burgess of Edinburgh, for Johnne Hervie in Skellingtoun, £500, and for George, Alexander and Patrik Hervyis, his sons, 500 merks each, not to harm Chairlis Campbell of Horscleuch, Chairlis Campbell of Glasnok, younger, or George and Mr William Campbellis, sons of the Laird of Horscleuch. Fol. 132, a.

Thomas Gordon of Grandholm.

Robert Stewart, burgess of Aberdene, for Thomas Gordoun of Grandhame, 1000 merks, not to reset or intercommune with Mr Patrik and Thomas Fraseris, sons of Thomas Fraser, elder of Durris, while they remain at the horn for the slaughter of William Irwing and Robert Burnet (*ante*, p. 668), conform to the King's letters dated at Edinburgh 13th January last.—The band, registered by Mr Laurence M°Gill, advocate, is subscribed at Aberdene, 12th March, before Alexander Mutray, James Fol. 132, b.

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Stewart, elder, Patrik Donaldsone, burgess of Aberdene, Alexander Andersone in Bethlem, James Davidsoun, notary public, and Gavin Cruikschank, writer hereof.

Robert Maxwell of Dynwiddie for Johnne, Lord Maxwell, £2000, not to harm James Johnnstoun of Westraw. Edinburgh, 4th April. Lord Maxwell.

Robert Hepburne of Aulderstoun, as principal, and William Murray, younger of Cowbardie, as surety, *et vice versa*, 1000 merks, and both for Robert Hepburne, son of the said Robert, Alexander Hepburne, called of Fol. 133, a. Banglay, and William Crawfurd in Lyntoun, 500 merks each, not to harm William Creichtoun, Lady Inuerleith, or James Touris, brother of the Laird of Inuerleith, William Scot, burgess of Edinburgh, James Wauch, Andro Wilsoun, William Briggis, Archibald Pringle, William Buntene, and William Hepburne, servitors to the said Lady. Robert Hepburne and William Murray.

Johnne Gordoun of Petlurge for Niniane (? Monane) Hog in Blarydryne, and Monane Hog, his eldest son, £1000, not to harm Thomas Fraser in Petcowtnes or George Fraser in Corskry.—The band, registered by Mr Fol. 133, b. Lowrence M°Gill, advocate, and written by Mr Gilbert Ros, burgess of Abirdene, notary public, is subscribed at Straloch, 29th March, before Alexander Gordoun of Swaillend, Alexander Burnet of Leyis, Johne Gordoun, servitor to the said Johne Gordoun, and said writer hereof. Ninian Hog and his son.

David Weymes, fiar of that Ilk, for David Kyninmonth of Glanestoun, 500 merks, and for James Kyninmonth of Rochhead, £500, not to harm Sir George Boswall or Balgony, James Boswall of Lochgellie, David Boswall of Collallow, Patrik Halkhead of Lunswance, David Boswell of Auchmone, David Boswall of Myldanis, Thomas Crawfurd in Newbigging, Johne Lindesay in Clentray, George Robertsone there, James Allane there, Johne Rowan in Newhous, David Brumlie in Newbigging, William Tullany, messenger there, Thomas Law in Newtoun, Robert Walker there, David Lyllie in Spittill, or Thomas Lawrie in Dondonald.—The band, registered by Mr Robert Cockburne, advocate, and written by Robert Fol. 134, a. Freuch, clerk of Kirkaldy, is subscribed at Weymes, 2nd April, before William Stewart, Patrik Weymes, Mr Thomas Scot, Robert Auchmuthie, and Andro Mortoun. David and James Kininmonth.

William Ogill of Popilhall and Patrik Hepburne in Newmylnes for William and George Hepburnis, sons of the said Patrik, either of them in £500, to answer before the Council on 23rd instant to the complaint of Sir Thomas Hammiltoun of Monkland, and late George Carketle, merchant, burgess of Edinburgh, for coming to the said George's house of Monkrig, ravishing and awaytaking of Margaret Carkettill, his daughter. Edinburgh, 9th April. William and George Hepburne.

William Leyis, merchant, and Johnne Affleck (Awfhinlek), merchant, burgesses of Edinburgh, for Thomas Melvill, skipper and partner of the ship of Leyth called "The Margaret," to answer to Mark, Earl of Lotheane, for the damage done to him in the demolishing of his bulwark of Acheson's Haven, *alias* called Milhevin, by the said ship on 1st instant. Thomas Melville.

Fol. 134, b. George Seytoun of Parbroith for Andro Bruce, son of the Laird of Cultmalindie, 3000 merks, not to harm Lowrence Sinclair, son of Arthour Sinclair of Ayth. Edinburgh, 15th April. Andrew Bruce.

Laurence Sinclair.

James Sincleir of Murkill for Laurence Sinclere, son of Arthure Sinclere of Ayth, 3000 merks, not to harm Andro Bruce, son of the Laird of Cultmalindy. Acta Cant. 1605–1607.

George Crawford.

Patrik Hammyltoun of Blakwod for George Craufurd, younger of Auchincors, not to harm William Cunnynghame of Capringtoun, under the pains in the King's letters dated at Edinburgh 20th June 1604.—The band, registered by Mr Laurence M^cGill, advocate, and written by David Ros, notary, is subscribed at Cumnok, 12th April, before Johne Lindsay, George Craufurd, David Ros, and William Gemmill. Fol. 135, a.

Edinburgh, 16th April. David Crichton and Lady Inverleith.

David Creichtoun of Lugtoun for dame Marioun Creichtoun, Lady Inuerleith, 5000 merks, and Sir George Touris of Gairnetoun for the said David, 3000 merks, not to harm Robert Hepburne of Aulderstoun.

Gilbert Gairden.

Gilbert Gairdin, burgess of Arbroith, as principal, and Robert M^cGie, burgess there, as surety, 1000 merks, not to harm James Curle, merchant, burgess of Edinburgh. Fol. 135, b.

Thomas Otterburne.

Thomas Otterburne of Reidhall, as principal, and Hary Stewairt of Cragyhall, as surety, 2000 merks, not to harm Mr James Thomesoun, minister at the Brig of Haillis.

Robert Hepburne.

Patrik Carketle of Over Libertoun for Robert Hepburne of Aulderstoun, 3000 merks, not to harm Marioun Creichtoun, Lady Inuerleith.

Edinburgh, 23rd April. Gavin Wemyss and David Melville.

James Weymes of Caskyberrie (Caskebarrane) for Gawin Weymes in Dysert, and David Weymes, fiar of Unthank, for David Melvill in the said town, 3000 merks each, not to harm any of the inhabitants of the said town, especially James and David Crysteis, burgesses of Dysert; also to answer when charged for any "insolence" to be committed by them hereafter. Fol. 136, a.

Edinburgh, 28th April. The Earl of Crawford.

Sir William Auchterlony, fiar of that Ilk, for David, Earl of Crawfurd, 10,000 merks, not to harm David Lindesay of Balgayis.—The band, registered by Mr Patrik Forrester (Forrest), advocate, and written by Johne Traill, is subscribed at Fynnevin and Balmadues, 17th and 19th April, before Patrik Lindesay of Barneyairdis, Alexander Lindsay of Petterlie, William Lyoun, Johne Traill, notary public, servitor to the said noble Lord, Marcus Storie, servitor to said Sir William, David Beatoun, and David Auchterlony in Denmylnes. Fol. 136, b.

Edinburgh, 1st May. Harry Brown and Mr Robert Brown.

Hary Broun in Edinburgh, father-brother to the Laird of Collistoun, as principal, and James Pringle, elder of Quhytbank, and James Hoper of Bourehoussis, as sureties, and these three for Mr Robert Broun, son of the said Hary, either of them in £1000, not to harm Robert Hepburne of Aulderstoun, Robert Hepburne, his son, Johne and George Carketles, brothers of Patrik Carketle of Markle. Fol. 137, a

Robert Hepburne and his son.

Robert Hepburne of Aulderstoun, as principal, and Thomas Fairlie, younger of Colmestoun, as surety, and both for Robert Hepburne, son of the said Robert, Johnne and George Carketlis, brothers of Patrik Carketle of Markle, £1000 each, not to harm Hary Broun, brother of the Laird of Collistoun, or Mr Robert Broun, his son.

James and Abraham Bog.

James Boge and Abrahame Boge, brothers of Robert Boige in Lochend,

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being freed furth of their ward in which they were imprisoned for shooting "cunnyngis and dowis," and for sundry acts of oppression committed

Fol. 137, b.

by them on indwellers in East Bowden, Williame Lawder in Bellheavin obliges himself in £500 for the said persons that they will depart this realm by 20th May next, and not return without the Council's license, and in the meantime not "shoott with pistolattis and hacquebuttis, long or schort, or use ony uther ingyne for destructioun of policie, reptill, or volatill."—The band, registered by Mr Robert Narne, advocate, is subscribed at Cockburnispeth, 1st April, before Alexander Home of Rentoun, Mr William Kellie, writer hereof, and William Arnote, postmaster.

Edinburgh, 4th May. Patrick Miller and James Rob.

Alexander Colquhoun of Lus for Patrik Miller and James Rob in Dalsholme, 300 merks each, not to harm Johne Stewairt of Roisland.—The

Fol. 138, a.

band, registered by Mr Umphra Blinsele, advocate, and written by Johne Craig, notary in Glasgow, is subscribed at Glasgow and , on May, before Johne Glen, merchant, Thomas Moresoun, cooper, Robert Miller, maltman, burgesses of Edinburgh (? Glasgow), and Mathew Montgomerie in Banchagry, Walter Colquhoun of Kilmerdony, Patrik Colquhoun, William Colquhoun, servitors to the said Alexander,—Craig subscribing for Miller and Rob.

Edinburgh, 7th May. Mr David Roger.

Robert Roger, merchant, burgess of Drumfries, for Mr David Rogeris, minister, £500, not to harm Edward Maxwell of the Yle, or Johne Maxwell, his son natural, conform to the charge of date February 1607 given by Johne Maxwell, messenger.—The band, registered by Mr Robert Lyntoun,

Fol. 138, b.

advocate, and written by Mr Archibald Gibsone, minister and notary public, is subscribed at Drumfries, 4th May, before Clement Edzer in Crukblane, Nicoll Newall, messenger, and Johne Greir in Gaitsyd.

Marjory Home and others.

James Drummond of Leitchhill for Marjorie Home in Haltoun of Cargill, George Howie there, and George Broun there, 500 merks each, not to harm Johne Strauchane, elder, at the Kirk of Lethindie.—The band,

Fol. 139, a.

registered by Mr Alexander Cuming, advocate, and written by William Many, notary in Perth, is subscribed at Perth, 30th April, before Patrik Drummond, son of the surety, Johne Schaw, notary, and said writer hereof.

Mr Samuel Falconer.

Hew Falconer of Little Innerlithie for Mr Samuell Falconer in Aire, £1000, not to harm Johne Lawrie, merchant, burgess of Edinburgh, conform to the King's letters dated at Edinburgh 19th March last.—The band, registered by Mr Johne Scharp, younger, advocate, and written by

Fol. 139, b.

James Tarres, notary public, servitor to the Earl of Murray, is subscribed at Elgin, 28th April, before George Cuming, burgess of Elgin, Johne Innes, burgess there, and said writer hereof.

Edinburgh, 8th May. William Paton.

William Pautoun in Dilliwaird, as principal, and Johne Keith of Cawtoun, as surety, £500, not to harm Agnes Cuming, relict of William Strauchane in Dilliwaird, or George and Johne Strauchanes there, conform to the charge dated 2nd instant.—The band, registered by Mr James Donaldsoun, advocate, is subscribed at Cowy, 3rd May, before Robert Keith, burgess of Abirdene, Stephane Patoun in Glasgow, Mr Johne Foullertoun in Cowy, and Gilbert Mowat, his servant, writer hereof.

Edinburgh, 11th May. George Fraser.

Johnne Forbes of Wester Elicht for George Fraser in Nether Corskie, 500 merks, not to reset Thomas and Mr Patrik Fraseris, slayers of William Irving and Robert Burnet, during their rebellion, conform to the charge given at the instance of Margaret Gordoun, relict of William Irving of Tullenkirk, Robert Irving of Glassill, and James Burne in Braichinche. —The band, registered by Mr James Donaldsoun, advocate, and written by Johne Chesney, notary public, is subscribed at Kirktoun-Echt, 8th May, before Johne Forbes of Wester Eicht, said writer hereof, William Wobster in Wester Eicht, and Johne Turner there,—Chesny subscribing for the principal. Acta Caut. 1605–1607. Fol. 140, a.

Sir John Dunbar.

James Kennedy of Crugiltoun for Sir Johne Dumbar of Mochrum, 3000 merks, not to harm Sir Johne Vaus of Longcastell.—The band, registered by Mr Johne Schairp, advocate, and written by Archibald M°Kie, servitor to said Laird of Mochrum, is subscribed at Crugiltoun, 7th May, before Johne M°Dill, notary public, Johne Lindsay, servitor to Kennedy, Gawin Dunbar, servitor to the principal, and Archibald M°Kie, writer. Fol. 140, b.

Edinburgh, 12th May. Hew Gordon.

Alexander M°Gie of Balmaghie for Hew Gordoun of Grange, 2000 merks, not to harm William M°Clellane of Auchlene, Johnne Broun, apparent of Land, or William M°Clellane of Mullok.—The band, registered by Mr Robert Lintoun, advocate, and written by Johne Turnour, notary, is subscribed at Wigtoun, 5th May, before Sir Johne Vaus of Longcastell (Barnbarroch), Andro Agnew, sheriff of Wigtoun, Andro Agnew, his son, and said writer hereof. Fol. 141, a.

Edinburgh, 15th May. James Mouat.

George Mowat in Leith for James Mowat in Orknay, £1000, to answer before the Council when charged touching the alleged slaughter of Donald Groit and certain others who were in company with him.

Edinburgh, 16th May. John Mundell.

Edward Maxwell of Tynwall and Chairlis Maxwell, brother of William Maxwell of Kirkhouse, for Johnne Mundill in Schawis of Tynwall, 200 merks, not to harm Harbert Maxwell, son of the said Edward. Fol. 141, b.

Patrick Eviot.

Alexander Blair of Balgray for Patrik Eviot, brother of Coline Eviot of Balhoussie, 1000 merks, not to harm Mr Johne Ros, minister of the Holy Evangel at the Blair.

Edinburgh, 20th May. Clement Edgar and others.

Andro Roriesoun of Bardanoch for Clement Edzer in Kirkblane, 1000 merks, and for Robert Edzer in Blaikschaw, Johnne Edzer, son of the said Clement, and William Edzer, son of Johne Edzer in Carnuik, 500 merks each, not to harm Nicoll Edzer, eldest son of the said Johne Edzer in Carnuik.—The band, registered by Joseph Myller, advocate, and written by Harbert Cunynghame, notary, is subscribed at Drumfries, 17th May, before Andro Cunynghame, burgess of Drumfreis, Robert Cunynghame, his son, said writer hereof, and George Maxwell, writer. Fol. 142, a.

Edinburgh, 22nd May. Gordon of Lochinvar.

Sir Robert Gordoun of Lochinvar, as principal, and Johnne Gordoun of Troquhen and Alexander Gordoun of Kirkconnell, as sureties for him, not to harm Williame M°Clellane of Auchlene, Johnne Browne, younger of the Land, or Williame M°Clellane of Mullok. Also the said sureties become bound that Johnne Gordoun of Murefad, William, Robert,

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and Alexander, his brothers, Johnne Glendoning of Drumrashe, Williame Irwing, called Dik's Willie, Niniane Heroun, James Gordoun, called the Page, Hew Gordoun of Grange, and the said Johnne Glendoning's brothers, for whom the said principal takes the burden, will not harm the said Williame M°Clellane and his colleagues, under the pain of 10,000 merks.

Fol. 142, b.

Johnne Gordoun of Troquhen for Alexander Gordoun of Kirkconnell, *et vice versa*, either of them in 3000 merks, and Laird of Troquhen for Roger Gordoun of Gararie, 1000 merks, and for Johnne Gordoun, brother of Sir Robert Gordoun of Lochinvar, 2000 merks, and the Laird of Kirkconnell for James Gordoun of Barnecroshe, brother of the said Sir Robert, 2000 merks, to the effect abovewritten. Gordon of Troquhen and others.

Fol. 143, a.

Mr Duncane Forbes of Balnagask for Andro Fraser of Stanewode, not to reset Thomas and Mr Patrik Fraseris, rebels, sons of Thomas Fraser of Durris, conform to the charge given to him at the instance of Margaret Gordoun, relict of William Irwing of Tillenturk, Robert Irwing of Glassell, and James Burnet of Braichinche, father-brother of late Robert Burnet of Cowcardie, under the pains in the King's letters.—The band, registered by Mr Alexander Peblis, advocate, and written by Johne Chusny, notary public, is subscribed at Mactrell, 17th May, before Johne Mortymer, George Grant, and Andro Fraser, servitors to the Laird of Stanewood, and said writer hereof. Andrew Fraser.

Fol. 143, b.

Patrik M°Kie of Baryarrak for Sir Johne Vaus of Longcastell, 3000 merks, not to harm Sir Johne Dumbar of Mochrum.—The band, registered by Mr Alexander King, advocate, and written by William Nesbit, notary, is subscribed at Barnebarrache, 19th May, before Robert Vaus, brother of the said Sir Johnne, Thomas Vaus, Mr William Scot, servitors to the said Sir Johnne, and said writer hereof. Edinburgh, 23rd May. Sir John Vaus of Longcastle.

Thomas Edzer of Mairtentoun for William and Robert Edzairis, sons of Johnne Edzer in Carnuik, 500 merks each, not to harm Edward Maxwell of Ile, Johne Maxwell in Bankend, William and Johnne Maxwellis, his sons, William Maxwell in Mersneid, Hewie and Edward Maxwellis, his brothers, David Heislop in Bankend, Edward Patirsoun in Kirkland, Johne M°Kewne there, Petir Young there, Ritchie Patirsoun there, Johne Maxwell, son of the said Edward of Ile, Habbie Raa in Lochirwode, Daniell Birny there, Andro Caird in Bankend, Edward Rawling, smith there, Robert Hereis in Ile, or Thome Edzer in Bankend. Edinburgh, 25th May. William and Robert Edgar.

Fol. 144, a.

—The band, registered by Mr Olipher Colt, younger, advocate, and written by Harbert Cunynghame, notary, is subscribed at Drumfreis, 20th May, before Clement Edzer in Kirkblane, Robert Edzer in Blaikschaw, William Maxwell, burgess of Drumfreis, and George Maxwell, notary,—Harbert Cunynghame and Robert Cunynghame, notaries, subscribing for the surety, and William Edzer, son of Johne Edzer in Carnuik.

Robert Edzeir, merchant, burgess of Drumfreis, for Clement Edzer in Kirkblane, 1000 merks, and for Johne Edzer, his son, 500 merks, not to harm Edward Maxwell of Ile and his colleagues abovewritten.—The band, registered and written as above, is subscribed at Drumfreis, 20th Clement Edgar and his son.

Fol. 144, b.

May, before William Maxwell at Croce, burgess of Drumfreis, Harbert Cunynghame and Robert Cunynghame, notaries, and George Maxwell, writer. Acta Caut. 1605–1607.

Robert Edgar. William Maxwell, merchant, burgess of Drumfreis, for Robert Edzer in Blaikschaw, 500 merks, not to harm Edward Maxwell of Ile and his colleagues foresaid.—The band, registered and written as above, is subscribed at Drumfreis, 20th May, before Clement Edzer of Kirkblane, Robert Edzer, burgess of Drumfreis, Thomas Edzer of Mertenetoun, and George Maxwell, writer,—Harbert Cunynghame and Robert Cunynghame, notaries, subscribing for the cautioner and principal. Fol. 145, a.

Edinburgh, 26th May. Robert Swinton. James Sinclair of East Borthuik for Robert Swyntoun of that Ilk, to buy from Sir Michaell Balfoure of Burley or James Lowrie, his factor, the legal outfit of arms, under pain of £100 for each stand of armour, if it be found that he ought to do so.

Edinburgh, 29th May. James Johnstone. Sir James Johnestoun of Edinbelly for James Johnestoun of Westraw, 5000 merks, that, on being freed furth of the city of St Androis, he shall repair to Edinburgh and keep ward there till released by the Council.

Edinburgh, 29th May. George Stewart. George Murray of Brochtoun for George Stewart of Baltersane, £1000, not to harm Alexander Stewart of Clarie, or M°Alexander in Clauchand of Pennynghame. Fol. 145, b.

Charles Maxwell. William Maxwell of Kilbene for Chairlis Maxwell, brother of Johnne Maxwell of Conhaith, 1000 merks, not to harm Silbie Grahame, relict of Alexander Airmestrang of Auchingavill, or Cristie Airmestrang, her son.—The band, registered by Adam Cunynghame, advocate, and written by Robert Cunynghame, notary, is subscribed at Kirkmichaell, 26th May, before William Kirkpatrik of Kirkmichell and Thomas Edzer in Holme.

Edinburgh, 1st June. John Colthert. Alexander Carmichaell of Burnehous for Johnne Colthird in Glentewing, 300 merks, to answer before the Council on 11th instant to the complaint made against him by the late Johne Broun in Draffen, and Marioun Weir, his spouse, for coming to their lands of Johneshill and there destroying three score bolls of victual and "casting a pairt of the same in sykis." Fol. 146, a.

Edinburgh, 9th June. Mr William Reid. Johnne Gordoun of Tulligreig, sheriff depute of Abirdene, for Mr William Reid, notary in Aberdene, £500, not to harm Abacuch Bisset, writer to the signet, or Thomas Bisset, his son.

Edinburgh, 15th June. John MacDouall. Sir James Murray of Cockpuile for Johne M°Dowall in Coulgrote, 500 merks, not to harm James Twedy in Culmoir,—Sir Johne Dunbar of Mochrum becoming surety in relief.

David Scott. Nicoll Forsyth, merchant, burgess of Edinburgh, for David Scot of Dargavell, 1000 merks, not to harm George Irwing, elder, called of Wysbie, and now in Nether Dargavell, Johne and George Irwingis, his sons, Johne Lawsone, his son in law, Johne Irwing in Wysbie, Irwingis, his sons, or William Irwing, servitor to James Kay, advocate,—the said principal and Mark Gledstanes of Madinboure becoming sureties in relief. Fol. 146, b.

Johne Sturdgene, merchant, burgess of Drumfreis, for Johnne Johnes-

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toun, sister-son of David Scot of Dargavell, and William Halyday, brother in law of the said David, either of them in 500 merks, to the effect abovewritten. Johnstone and Halliday.

Fol. 147, a.

Sir James Chrichtoun of Ruthvenis for William Bisset in Balbrogie, 400 merks, not to harm Patrik Moncur of Chappeltoun. Edinburgh, 16th May. William Bisset.

Johnne Lindsay, portioner of Drem, for James Smyth in Byris, David, William, Patrik, and Thomas Smythis, his sons, Alexander Smyth in Muretoun, and Williame Smyth, his son, 500 merks each, to answer when charged for assaulting and hurting Nicoll Cuik, younger in Lang Nuddrie. James Smith and others.

Fol. 147, b.

Johne Chalmer of Balbichane for Charlis Chalmer of Wester Fintrey, 2000 merks, and for Andro Chalmer there, Thomas Tailyeour there, Johne Harvie there, Johne Mylne and Thomas Logane there, 500 merks each, not to harm Alexander Irwing of Drum, Patrik Stewin in Kinmuk, Robert Stewin there, Charlis and James Philpis there, William Hervie there, Johne Hervie in Peithill, Alexander Irwing in the Denmylne of Kinmuk, or Patrik Chapman there.—The band, registered by Mr David Chalmer, advocate, and written by William Watt, son of Mr Arthour Watt, notary public, is subscribed at Aberdene, 11th June, before Alexander Lillie, notary, Alexander Mutray in Old Aberdene, Johne Porter in Wester Fintrey, and Johne Chalmer, notary and messenger "inserter of the witnessis." Charles Chalmer and others.

Fol. 148, a.

Mr William Rae, burgess of Abirdene, for Henry Smart in Cowstanes, William Materis there, William Wood there, William Symmer in Halwynd of the Haltoun of Fintrey, William Symmer in Chapell Wynd thereof, Johnne Buchane there, Andro Symmer there, Henry Blak there, Thomas Rob there, Johne Baverlay there, Andro Clerk there, Johne Symmer in Wester Fintray, Michaell Rae there, and Robert Buchane in Haltoun of Fintrey, 400 merks each, not to harm Alexander Irwing of Drum.—The band, registered by George Abirnethie, advocate, and written by Gilbert Chalmer, notary in Abirdene, is subscribed at Abirdene, 10th June, before Mr Andro Keith, regent of the New College of Abirdene, Mr Richard Andirsoun, burgess of Abirdene, David Lindsay, burgess there, and the said writer hereof,—Thomas Davidsone and Gilbert Thomesoun, notaries, subscribing for such of the principals as cannot write. Henry Smart and others.

Fol. 148, b.

Henry Smert of Cowstanes for William Ray, burgess of Abirdene, 1000 merks, not to harm Alexander Irwing of Drum.—The band, registered, &c., as above, is witnessed by Gilbert Thomesoun and Thomas Davidsoun, notaries, Johne Buchane in Haltoun of Fintrey, and Gilbert Chalmer. William Rae.

Robert Henrysone, portioner of Cornetoun, for Nicoll Stewin in the Orchyard of Tullybody, and Alexander Modrell, servitor to the Commendator of Cambuskenneth, either of them in 300 merks, not to harm David Bigholme, portioner of Banchrie. Edinburgh, 18th June. Steven and Motherwell.

Fol. 149, a.

Robert Frensche of Frenshland for Gavin Johnnestoun in Chappell, £1000, not to harm Mr Johne Johnestoun, advocate. Gavin Johnstone.

William Haliburtoun of Mains of Mawis for Gilbert Ramsay, apparent Gilbert Ramsay.

of Banff, 1000 merks, not to harm Johne Blair of Bruistoun, conform to the King's letters dated at Edinburgh 23rd April 1606.—The band, registered by Mr Johne Scharp, advocate, and written by Johne Blair, notary public, is subscribed at the Kirktoun of Rottray, 16th June, before Andro Haliburtoun in Blair, Johne Merser in Kynloch, James Chrichtoun, servitor to Laurence Merser of Meklelour, Johne Blair and Donald Cargill, notaries. Acta Caut. 1605–1607. Fol. 149, b.

David Cook and others.

Gilbert Ramsay, apparent of Banff, for David Cuik, Johne Thomsoun, Thomas Christie, Johne and George Dicksones, Andro Wallace, Alexander Clerk in Ruchill, and David Thomsone there, 300 merks each, and for Johne Sympsone and Patrik Donald in Schangyie, 500 merks each, all tenants and servants of the surety, not to harm Johne Blair of Bruistoun, conform to the King's letters dated at Edinburgh 23rd April 1606.—The band, registered by Mr Johne Sharp, and written by Johne Cargill, son of Donald Cargill, notary public, is subscribed at the Kirktoun of Rottray, 16th June, before Andro Haliburtoun in Blair, Johne Merser in Kinloch, said Donald Cargill, Johne Cargill, and Johne Blair, notary. Fol. 150, a.

Edinburgh, 19th June. Robert Home and others.

James Home of Quhitchester for Robert, William, and Samuell Homes, sons of William Home of Quhytrig, Robert Home in Hutoun, Jasper Home of Lawfeild, and George Home, his son, 1000 merks each, not to harm Mr Alexander Lauder in Coldinghame,—George Home, apparent of Quhytrig, becoming surety in relief.

Edinburgh, 20th June. David Bigholme.

David Balfour, fiar of Powhous, for David Bigholme, portioner of Banchrie, 300 merks, not to harm Nicoll Stewin or Alexander Modrell (*ante*, p. 677). Fol. 150, b.

Edinburgh, 22nd June. Mr Thomas Bisset.

Alexander Gordoun of Oxhill for Mr Thomas Bissett, minister, 500 merks, not to harm Mr James Mertine, minister at Petirheid.

Edinburgh, 25th June. Allan Livingstone. Alexander Tulloch.

Sir Hary Lindsay of Carrestoun for Allane Levingstoun of Dunlopie, 3000 merks, not to harm Alexander Tulloch of Boghall. Fol. 151, a.

Alexander Dumbar, apparent of Culboyak, for Alexander Tulloch of Boghall, 3000 merks, not to harm Allane Levingstoun of Dunlopie.

Edinburgh, 26th June. James Lyon.

Mr David Ogilbie of Pitmoweis for James Lyoun, fiar of Easter Ogill, 1000 merks, to partake of the sacrament of the Lord's Supper in his own parish by 26th August next.

Edinburgh, 27th June. Dougal MacFarlane.

Johne Lennox of Innerlowrene for Dowgall M^{c}Farlane in Murlogane, to keep Alexander Colquhoun of Lus skaithless of the band found by him for making his men answerable to justice; also not to harm the said Alexander, or Johnne Colquhoun, fiar of Camstrodene, under the pains in the King's letters; farther, to pay to the Treasurer £20 for his escheat goods which shall be outside the regality of Lennox where he now remains. Fol. 151, b.

Edinburgh, 2nd July. Maxwell of Conheath.

William Maxwell of Kilbayne for Johne Maxwell of Conhaith, £1000, not to harm James Murray of Cockpuill.—The band, registered by Mr Johne Haliday, advocate, and written by Robert Maxwell, notary, is subscribed at Drumfreis, 27th June, before William Maxwell of Cowhill, Cuthbert Cuninghame, burgess of Drumfreis, said writer hereof, and Johne Neilsone, writer. Fol. 152, a.

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Thomas Home, burgess of Mussilburgh, for James Lorane, son of the late Edward Lorane of Harwode, 500 merks, to answer before the Council on 30th instant to the complaint against him by Thomas Turneble of Wauchop and Hectour Turnble of Barnehillis for presenting bended pistolets to their breasts for their slaughter; also to pay to the Treasurer £20 for his escheat within 40 days hereof. Edinburgh, 4th July. James Lorain.

Mr Alexander Keith, portioner of Duffus, for James Keith, servitor to the Earl of Murray, 1000 merks, not to harm Robert Tulloch of Tannacheis, provost, James Dunbar, Thomas Tulloch, Frances Forbes, and Johne Dunbar, bailies, of Forres, Thomas Urquhart of Burrowyards, Alexander Tulloch, apparent of Tannocheis, Nicolas Dunbar of Boigis, or James Urquhart, burgess of Forres. Edinburgh, 6th July. James Keith.

Fol. 152, b.

Hew Falconer of Innerlochtie for Mr Samuell Falconer in Quhytingtre, 1000 merks, not to harm the said Robert Tulloch and his colleagues, conform to the King's letters dated 5th August 1605.—The band, registered by Mr James Donnaldsone, advocate, and written by George Cuming, burgess of Elgin, is subscribed at Elgin, 30th June, before James Keith, servitor to the Earl of Murray, James Law, Snowdon herald, and said writer hereof. Mr Samuel Falconer.

Fol. 153, a.

Hectour Turneble of Staneleiche for Johne, Lord Hereis, £1000, to answer before the Council on 30th instant for his alleged hearing of mass, resetting of Mr Johne Hammiltoun, and Mr Gilbert Broun, sometime abbot of Newabbey, and putting of Edward Edzer furth of the pledge chamber of Drumfreis: conform to the letters executed against him which are suspended to 10th August next. The moderators of the presbytery of Drumfreis, Robert Maghie of Almagill, and the Treasurer and Advocate, are ordained to be warned to 30th July instant. Edinburgh, 7th July. Lord Herries.

Harie Creichtoun of Benchillis for Johne Creichtoun of Strathoird, 3000 merks, not to harm Edward Pawtoun in Belstoun, or Johne Patoun, his son, conform to the charge given by Johne Ambrois, messenger.—The band, registered by Mr Alexander Peblis, advocate, and written by Gilbert Robertsoun, notary in Perth, is subscribed at Perth, 7th July, before Andro Gray in Perth, William Creichtoun, brother of the principal, William Mairtene and Gilbert Robertsoun, notaries. Edinburgh, 8th July. John Crichton of Strathord.

Fol. 153, b.

Johne Maxwell of Castellgoure for George Heroun in Carlingwork, 400 merks, not to harm Thomas M°Clellane, notary. Edinburgh, 9th July. George Heron.

Fol. 154, a.

James Arbuthnot of Lentushe for James Stewart of Inverquhat, 1000 merks, not to harm James Gordoun, fiar of Newtoun.—The band, registered by Mr James Donaldsone, advocate, and written by Mr William Rae, notary public, is subscribed at Easter Fintrey, 5th July, before Robert Johnestoun of Caysmylne, William Forbes in Auquhisk, the said writer hereof, and Walter Thomsone, notary,—Rae and Thomsone subscribing for the principal. Edinburgh, 10th July. Mr James Stewart.

Fol. 154, b.

Sir Robert Maxwell of Sweithart for Johne, Lord Hereis, £2000, not to harm James Johnstoun of Westraw. Lord Herries.

Andro Airmestrang of Kirktoun for James Airmestrang of Cannabie, £500, not to harm James Johnnstoun of Westraw. Edinburgh, 13th July. James Armstrong.

John and Edward Maxwell.

Edward Maxwell of Hillis, as principal, and Johne Maxwell of Conhaith, as surety, *et vice versa*, £1000 each, not to harm James Johnnstoun of Westraw. Acta Caut. 1605–1607. Fol. 155, a.

Gilbert Johnstone and son.

Thomas Carrutheris of Trailtrow for Gilbert Johnstoun of Wamfray, £1000, and for Robert Johnnstoun, his son, apparent of Wamfra, £500, not to harm Johnne, Lord Hereis, Thomas Ewart in Clairfute, Adam Ewart, his brother, Andro Badyan there, Henry Watsoun there, Mathew Ewart there, or Robert Ewart there.

Edinburgh, 14th July. William Home.

Sir Johnne Home of North Beruick for William Home of Hainingcleuch, £1000, to answer when charged to the "challange maid upoun him anent ane staig whilk wes in his possessioun," and which he affirmed to have bought from George Browne in Fawnis; also not to harm the said George, under the pain of 500 merks.

Edinburgh, 16th July. Patrick Maxwell.

Edward Maxwell of Hillis for Patrik Maxwell of Newark, 2000 merks, not to harm James Johnstoun of Westraw. Fol. 155, b.

Johnstone and French.

Robert Johnstoun of Corhead for Robert Johnstoun in Newtoun and Roger Frenshe in Kirkbrydrig, 400 merks each, not to harm John, Lord Hereis, Thomas Ewart in Clarefute, or Ewart, his brother.

Thomas French and others.

Robert Johnstoun of Corhead for Thomas, David, and Edward Frenshes, sons of Roger Frenshe in Kirkbrydrig, 400 merks each, not to harm Johne, Lord Hereis. Fol. 156, a.

Alexander Stewart and Sir John Vaus.

Alexander Vaus, burgess of Edinburgh, for Alexander Stewairt of Gairleis and Sir Johne Vaus of Longcastell, under the pain of 500 merks, to report by 31st August next their diligence in executing the commission granted to them for urging the presbytery of Wigtoun to receive their "constant moderatour."

Archibald Wauchop and sons.

Johne Hill of that Ilk for Archibald Wauchop in Dudingstoun, William and Johnne Wauchopis, his sons, 300 merks each, not to harm Nicoll Craig in Dudingstoun, or William and Alexander Craigis, his sons, there.

Nicol Craig and his sons.

James Ker, burgess of the Cannogait, for Nicoll Craig in Dudingstoun, and for William and Mr Alexander Craigis, his sons, 300 merks each, not to harm the said Archibald Wauchop or his said sons. Fol. 156, b.

Robert Moffat and others.

Robert Johnstoun of Corhead for Robert Moffett in Grantoun, Thomas Moffett in Moffett, Johne Wilking there, William Bell there, Johne Mathesoun there, Thomas Barnarde and James Dicksone there, Thomas Blaklock there, Neickie Mertyne there, Thomas Murman in Murefute, Johne Murman, miller there, Umphra Grahame in the New Mill, and James Grahame, his brother, 400 merks each, not to harm Johne, Lord Hereis, Thomas Ewart in Clarefute, Adame Ewart, his brother, Andro Badyean there, Henry Watsone there, or Mathew and Robert Ewartis there.

Stewart of Garlies.

Johne Ahannay of Kirkdaill for Alexander Stewairt of Gairleis, 2000 merks, not to harm Robert M°Alexander in Pennynghame.—The band, registered by George Abirnethy, advocate, and written by Alexander Purveyaince, servitor to Johne Turnour, notary, is subscribed at Wigtoun, 11th July, before Johne Ahannay, younger of Sorby, William Dumbar of Culmalye, said notary, and writer hereof. Fol. 157, a.

Acta Caut. 1605–1607. Fol. 157, b.

Charlis Maxwell of Laggan for Sir James Murray of Cockpoole, 2000 merks, not to harm Johne Maxwell of Conhaith. 18th July. Murray of Cockpool.

Williame Ambros, portioner of Fonguarthe, for Alexander Scot in Fonguarthe, £100, to answer before the Council on 13th August next for spuilying from Alexander Haggort in Easter Cappaith and his late father certain oxen, kye and other goods.—The band, registered by Mr Alexander Cuming, advocate, and written by Thomas M°Nab, writer in Dunkeld, is subscribed at Dunkeld, 1st July, before Mr Walter Stewart of Blaikhes, Robert Merschell in Dunkeld, Johne Stewart there, and Thomas M°Nab foresaid. Alexander Scott.

Fol. 158, a.

Alexander Maxwell of Buttlemains for Thomas M°Clellane, messenger, in the Carlingwork, not to harm George Heroun, also in the Carlingwork, under the pains in the King's letters.—The band, registered by Mr Alexander Sym, advocate, is subscribed at the Carlingwork, 14th July, before Johne Maxwell in Loggane, called William's Johne, Johne and William M°Culyeames, brothers in Carlingwork, George M°Myn there, Robert Scot, messenger, and Adam M°Myn, smith in the Carlingwork. Thomas MacLellan.

Fol. 158, b.

Robert Fraser of Foulsie for Alexander Gordoun in Ellen, 500 merks, not to harm Mr Robert Merser, minister at the kirk thereof.—The band, registered by Mr James Sandielandis, advocate, is subscribed at Leith, 18th July, before Johne Currie in Leith, Johne Gray there, and Johne Wodny, servitor to Hendrie Annand of Orchertoun. Alexander Gordon.

Edward Edzair, younger, merchant, burgess of Edinburgh, for Katherine Edzair, relict of William Cunynghame in Colledge, and for George Cunynghame, his son, 500 merks each, not to harm William Dowglas, apparent of Linclowden, Johnne Dempster at Carganbrig, Johne Johnnestoun in Colledge, or Johne Cunynghame, called the Laird. Katherine Edgar and George Cunningham.

Alexander Blair of Balgray for Mr James Stewairt, commissary of Dunkeld, and James Merschell, burgess of Perth, £500 each, not to harm Johne Andirsoun in Ladukie, James Sanderis there, Johne Pennycuik in Craigtoun, Johne Tailyeour, George Home, or William Neill in Scottistoun. Edinburgh, 20th July. Mr James Stewart and James Marshall.

Fol. 159, a.

Sir James Scot of Abbotishall for Thomas Kerny, portioner of Nether Farnoch, James Hering of Blakloneing, Michaell Hering, his eldest son, James Scirtane in Nether Farnoch, and James Mitchell there, £500 each, and for William Hering in Ballany, Johne Banerman in Nether Farnoch, Gilbert Laird, Archibald Hering, son of the Laird of Blakloneing, 300 merks each, not to harm James and George Burtis in Over Farnoch, Andro Clerk there, or Marioun and Jeane Heringis there. Edinburgh, 22nd July. William Heron and others.

Johne Simpsoun, maltman, burgess of Dysert, for Johne Sinclair, sometime in Ballincreif, and now in Dysert, not to harm Alexander Achesoun of Gosfurde, under the pains in the King's letters. John Sinclair.

Fol. 159, b.

Mr William Forbes of Many for Mr Johne Johnstoun, advocate, not to harm James Johnstoun of Middilgill, under the pain of 3000 merks, or Gavin Johnstoun in Middilgill, his brother, under pain of 500 merks. Edinburgh, 23rd July. Mr John Johnstone.

Fol. 160, a.

William Leirmonth, elder, citizen of Sanct Androis, and Johne Stanhoip,

John Kirkcaldy.

elder of Stanhoip-mill, for Johne Kirkcaldy of Wester Abden, £1000, not to harm Johne Boiswell of Pittedy. Acta Caut. 1605–1607.

Edinburgh, 24th July. Sir John and Sir George Boswell.

Johne Kirkcaldy of Abden for Sir Johne Boiswall of Balmuto, £2000, not to harm Johne Boiswall of Pittedy, and for Sir George Boiswall of Bowgony, to the same effect, under the pain of £1000. Fol. 160, b.

Sir James Stewart and others.

Johne Stewart of Granich for Alexander Robertsone of Inchemagranoch and Sir James Stewart of Ballachan, and the said Alexander for the said Johne Stewart and Johne Robertsone of Straloche, 2000 merks each, not to harm Duncane Menzeis of Comrie.

Baron Ferguson.

James Nasmith of Invar for Johne Fergusone of Darcullych, 2000 merks, not to harm Duncane Menzeis of Comrie. Fol. 161, a.

George Crawford and others.

Robert Irwing of the Mill of Cowie for George Craufurd, servitor to William Hay of Urie, David Wod, James Dewinye, James Murray, James Garvie, Alexander Mathew, Archibald Wod, Andro Duncane, William Duthie, Johne Duncane, Alexander Duncane, Magnus Smyth, Stewin Smyth, Abrahame Jack, Johne Mowat, all the Laird of Urie's men, 300 merks each, not to harm Robert Fraser of Brackmonth.

William Hay of Urie and Alexander Hay.

James Lyell of Balmaledy for William Hay of Urie, £1000, and for Alexander Hay in Findlaston, £500, not to harm Robert Fraser in Brackmonth.—The band, registered by Mr Thomas Gray, advocate, and written by James Auchinleck, notary, is subscribed at Urie, 17th July, before Captain William Hay, uncle of the Laird of Urie, David Wod, servitor to the Laird of Urie, Mr William Barclay, advocate in Aberdene, and said writer hereof. Fol. 161, b.

Edinburgh, 25th July. Hew Montgomery and others.

Robert Montgomerie of Skelmorlie for Hew Montgomerie of Smeithstoun, William Montgomerie, his brother, William Montgomerie in Greinsuiyth in Kilwyning, and William Galstoun in Newtoun of Eglintoun, 400 merks each, not to reset or intercommune with Johne Montgomerie, "my brother," or William Montgomerie, writer in Irwing, during their rebellion.—The band, registered by Mr Alexander Cumming, advocate, and written by Johne Mitchell, is subscribed at Irwing, 23rd July, before Alexander Mitchell, notary, George Montgomerie, "my brother," Johne Quhytfurd, burgess there, and said writer hereof. Fol. 162, a.

Montgomery of Skelmorly.

Hew Montgomerie of Smythstoun for the right honourable Robert Montgomrie of Skelmorlie, 1000 merks, not to reset Johne Montgomrie, brother of the said Robert, or William Montgomrie, writer.—The band, registered, &c., as above, is witnessed by George Montgomry, brother of the said Robert Neill Montgomrie in Greinsuyth [in] Kilwyning, William Montgomrie in Bowhous, William Galstoun in Eglintoun. Fol. 162, b.

Edinburgh, 28th July. William Johnstone. Robert Ayton.

Johne Johnstoun of Wester Bellilisk for William Johnstoun there, 100 merks, not to harm Johne Patoun of Middle Bellilisk.

James Clerk of Balbirny, for Robert Aytoun of Craigfuthy, £1000, and David Kynneir, portioner of Craigfuthie, £500, not to harm Johne Sheves of Kambock, or Robert Sheves, his tenant. Fol. 163, a.

Patrick Crichton and others.

Johne Chrichtoun of Straithord for Patrik Chrichtoun, his brother, 500 merks, for William and David Chrichtonis, also his brothers, Hary and

Acta Caut. 1605-1607.

Abrahame Chrichtonis, his father's brothers, William Chrychtoun in the Wester town of King's Lands, Niniane Mertene in Nether Blalock, Johne Gibsoun in Loak, Andro Gray, burgess of Perth, and Thomsone, "my servant," also under the said pain, not to harm Edward Patoun in Belstoun, or Johne Patoun, his son, conform to the charge given by Johne

Fol. 163, b.

Ambrois, messenger.—The band, registered by Mr Thomas Henrysone, advocate, and written by Gilbert Robertsone, notary in Perth, is subscribed at Perth, 23rd July, before Hary Chrichton of Benchillis, Andro Merser, burgess of Perth, Robert Blakwod, burgess there, and said writer hereof.

Fol. 164, a.

Thomas Dowgall, maltman in Leith, for Johne Hervie, sometime at Skellingtoun-mill and now in Edinburgh, £500, not to harm Charlis Campbell of Horscleuch. Edinburgh, 30th July. John Harvie.

Johne Mitchell of Dyikis in Ardrossen for Robert and Johne Montgomreis in Salt Coitis, 400 merks each, not to reset or intercommune with Johne Montgomrie, brother of the Laird of Skelmurlie, or William Montgomrie, writer in Irwing, who are at the horn for the slaughter of Hew Garven, common clerk of Irwing. Edinburgh, 1st August. Robert and John Montgomery.

William Boswell for his brother Johne Boswell of Pettedy, £1000, not to harm Sir Johne Boswell of Balmuto, Sir George Boswell of Balgony, David Boswell, brother of said Sir Johne, Thomas Heich, Katherine Kay, John Boswell.

Fol. 164, b.

Johne Greinhill, or David and Charles Spenssis, tenants of the said Sir Johne.

Robert Cunnynghame of Watterstoun for Robert Boyd of Portincros, £500, not to reset or intercommune with Johne Mongomrie or William Montgomrie, rebels.—The band, registered by Laurence Scott, advocate, is subscribed at Carlung, 26th July, before Mr Johne Harper, minister of Christ's Evangel at the kirk of Kilbryd in Cunyngham, William Scott, late provost of Irwing, Johne Wilsone, messenger, and Johne Lowrie, writer hereof. Robert Boyd.

Fol. 165, a.

Robert Mure of Caldwall for Robert, Lord Semple, £1000, and for Alexander Mure, the surety's brother, and Johne Mure, cook, burgess of Irwing, 400 merks each, not to reset Johne Montgomrie or William Montgomrie abovewritten.—The band, registered by Mr Alexander King, advocate, and written by William Caldwell, notary, common clerk of Lord Sempill and others.

Fol. 165, b.

Irwing, is subscribed at Irwing, 23rd July, before Hew, Master of Semple, Johne Quhytefurd, Hew Mure, apparent of Thorntoun, said writer hereof, and William Scot, vice-provost of Irwing.

Robert, Lord Semple, for Robert Mure of Caldwell, 1000 merks, and for Mathew Semple, Andro Semple, and Ezechiall Montgomrie, "my servitouris," 400 merks each, not to reset the said Johne or William Mure of Caldwell and others.

Fol. 166, a.

Montgomrie.—The band is registered, &c., as above.

Patrik Maxtoun of Cultoquhey for Chairlis Campbell *alias* M^cCarlich, servitor to the Laird of Abircairny, Patrik Strathie in Badinhaith, Lucas Broun in Nether Badinhaith, James Broun there, Thomas Smyth at the Black Ford, William Bonar in Easter Boirland, Andro Andirsoun in Wester Boirland, Johne Gibsoun in Easter Drumcairne, Patrik Andir- Edinburgh, 3rd August. Charles Campbell and others.

soun there, George Davidsoun in Wester Drumcairne, Donald Andirsoun in Rahalrik, Johne Rabroun in Auchquhaick, Thomas Archer at the Waulk-mill, Johne Bonar in Wester Kinpath, and Patrik Andirsoun in Easter Kinpath, 500 merks each, not to harm James, Lord Colvill of Culros, or Sir Robert, Master of Colvill. Acta Cant. 1605-1607. Fol. 166, b.

Ramsay of Dalhousie. Thomas Otterburne of Reidhall for Sir George Ramsay of Dalhousie, 2000 merks, not to harm Gabriell Forrest, messenger.

Edinburgh, 6th August. Mr John and Robert Sheves. Mr Patrik Balfour of Petcullo for Mr Johne Sheves of Kambok, £1000, and for Robert Sheves in Craigfuthie, 500 merks, not to harm Robert Aytoun of Craigfuthie or David Kynneir there.

Edinburgh, 7th August. John Boswell. David Boswall of Auchmure for Johne Boswall of Pittedy, £1000, not to harm Johne Kirkcaldy of Wester Abden, or Patrik and Johne Kirkcaldyis, his sons. Fol. 167, a.

William Henderson. Andro Small in Wodheavin for William Hendirsoun in Innerdovat, 200 merks, to answer before the Council on 19th November next to a complaint against him by James Elphinstoun of Innerdovat for assaulting him with a drawn sword while "recreating himselff efter supper," and wounding Robert Elphinstoun, his son natural, and his poor aged shepherd.

Edinburgh, 8th August. James Naismith. Sir Robert Chrichtoun of Cluny for James Nasmyth of Invar, 3000 merks, not to harm Patrik Stirling, commendator of Couper. Fol. 167, b.

Edinburgh, 10th August. Lucas Heron. Alexander Stewart of Clarie for Lucas Herroun in Pennynghame, 300 merks, not to harm Duncane Crawfurd of Auchinsoyle, Thomas M^{c}Crakane of Barnesoilyie, Thomas M^{c}Charrie and Micchell M^{c}Millane, servitors to George Stewairt of Baltersane, Williame Kennedy, burgess of Monybole, or George Stewairt of Baltersane.

Edinburgh, 11th August. Thomas Kennedy. David Kennedy of Corssis (Croceis) for Thomas Kennedy of Vicartoun, 400 merks, not to reset or intercommune with Hew Kennedy of Pinquhirrie, who is denounced rebel, conform to the charge of date at Edinburgh 15th July, given to the said Thomas at the instance of David Kennedy of Ballimaclannochan.—The band, registered by Mr Robert Narne, advocate, is subscribed at Innertig, 7th August, before William M^{c}Allane in Bargany, Gilbert M^{c}Ilwoyak in Challochtig, Thomas M^{c}Blane, notary, and David Mershell, writer hereof. Fol. 168, a.

David Kennedy. Thomas Kennedy of Vicartoun for David Kennedy in Corssis, 400 merks, not to reset Hew Kennedy of Penquhirrie, conform to the charge of date 15th July given to him on 6th instant.—The band, registered by Mr Robert Narne, and written by Thomas M^{c}Blane, notary, is subscribed at Kirkcubrycht, 7th August, before David Mershell, notary in Ballintray, said writer hereof, William M^{c}Callane in Bargany, and Gilbert M^{c}Ilveyok in Shallochtig. Fol. 168, b.

Kennedy of Girvanmains. Thomas Kennedy of Vicartoun (Kirkhill) and David Kennedy of Corssis for Hew Kennedy of Girvenmains, 400 merks, not to reset Hew Kennedy of Penquhirrie, conform to the charge of date at Edinburgh 15th July last, given to him at the instance of David Kennedy of Balmaclannoquhen.—The band, registered by Mr Robert Narne, is subscribed at Vicartoun, 9th Fol. 169, a.

Acta Caut. 1605–1607.

August, before Uchtred Campbell, apparent of Areis, David Kennedy, younger of Corssis, David Kennedy in Glenhaple, and Gilbert Kennedy in Pinmacher, writer hereof.

Fol. 169, b.

Robert Murray of Pitmanny for William Murray of Aberledno, 1000 merks, not to harm William Stewart of Kynnard, Johne Stewart, apparent of Kynnaird, Thomas, Hew, James and William Stewartis, sons of the said William Stewart of Kynnard, or Allaster Stewart in Boespik. Edinburgh, 12th August. William Murray.

Johne Ker, burgess of Edinburgh, for Johne Currour in Mow, 200 merks, to answer before the Council on 3rd September next to a complaint against him by Walter Hird, son of Mertyne Hird in Hartsyd, for striking from him his left hand and reiving from his cloak and sword. Edinburgh, 13th August. John Curror.

Acta Caut. 1591–1616. Fol. 90, b.

Bruce of Erlishall for Andro Wod, apparent of Largo, 5000 merks, to keep the King's peace and not to harm Robert Lundy of Balgony. Andrew Wood.

Robert Durie of that Ilk for Robert Lundy of Balgony, 5000 merks, to keep the King's peace and not to harm Andro Wod, apparent of Largo. Robert Lundy.

Acta Caut. 1605–1607. Fol. 170, a.

George Carny of Pitcastell for Johne Fergusoun, called Baron Fergusone, and William Fergusone, his eldest son and apparent heir (fiar of Darcullych), £1000 each, not to harm Patrik Stirling, commendator of Coupar.—The band, registered by Mr Alexander Cuming, advocate, and written by Henry Broun, notary in Perth, is subscribed at Perth, 12th August, before Sir William Stewart, Gentleman of the Chamber, Mr Archibald Moncreiff (Moncreiffe), minister at Abernathie, Alexander Fergusone, baxter, burgess of Perth, and said writer hereof. Edinburgh, 14th August. John and William Ferguson.

Fol. 170 b.

Hew Stewart, merchant, burgess of Perth, for George Carnye in Straittay, 1000 merks, not to harm the said Commendator.—The band is registered, &c., as above. George Cairny.

Fol. 171, a.

Andro Creichtoun of Ulyiesyd and William Creichtoun in Hill for Robert, Lord Creichtoun of Sanquhar, 4000 merks, not to harm Mr Robert Hunter, minister at Sanquhar. Lord Sanquhar.

Robert Durie of that Ilk for Mr James Durie in Ferry Portincraig, 500 merks, not to harm Johne Hammiltoun of Blair, or Micchell Ramsay, his tenant in the Forth.—The band, registered by Mr Johne Dawling, advocate, and written by Alexander Litlejohne, notary public, is subscribed at Durie, 15th August, before Robert Durie, Robert Duncane, and William Durie. Edinburgh, 17th August. Mr James Durie.

Fol. 171, b.

Mr Thomas Abircromby of Cragy for Mr Waltir Stewart of Blakhillis, 1000 merks, not to harm the Commendator of Couper.—The band, registered by Mr Alexander Cuming, advocate, and written by Johne Stewart, writer in Dunkeld, is subscribed at Cragy, 13th August, before Johne Bissat, portioner of Cragy-Burstoch, Johne Stewart, writer hereof, and Robert M°Raith, notary. Mr Walter Stewart.

George Craufurd of Annachy for Magnus Mowat of Balquhollie, 2000 merks, not to harm Patrik Con of Auchry, heritable proprietor of the half lands of Udach, or Elizabaith Auchinleck, relict of Patrik Coupland of Udache, liferentrix of the other half of the lands of Udachy.—The band, Magnus Mowat.

registered by Mr Oliver Colt, elder, advocate, and written by Thomas Bruce, notary, is subscribed at Balquhallie and Annachy, 7th and 8th August, before Hew Kennedy, brother of James Kennedy of Kernemuk, Andro Mowat, son of William Mowat in Torriff, Magnus Mowat, elder in Baquhallie, Thomas Bruce, notary, writer hereof, Manis Craufurd and Andro Baird. Acta Caut. 1605–1607. Fol. 172, a.

Robertson of Strowan.

Alexander Robertsoun of Fascalzie for Robert Robertsoun of Strowane, 5000 merks, not to harm the Commendator of Couper.—The band, registered by Mr Alexander Cuming, advocate, and written by Hew Mitchell, writer in Perth, is subscribed at Perth, 15th August, before Mr James Merser, minister at Logebryd, Duncane Menzeis of Conrie, Patrik Halden, burgess of Perth, W. Robertsoun, notary, burgess there, and said writer hereof. Fol. 172, b.

Commissary of Dunkeld and others.

Alexander Blair of Balgray for Mr James Stewart, commissary of Dunkeld, £1000, and for George Naismith of Inchewin, and Robert M^cCreich, notary in Dunkeld, either of them in 1000 merks, not to harm the Commendator of Couper.—The band, registered by Mr Alexander Cuming and written by Thomas M^cNab, is subscribed at Dunkeld, 13th August, before Harie Greig of the Hauch of Fonguarth, James Fowlis in Dunkeld, Thomas Sandiesoun, officer in Dunkeld, and said writer hereof. Fol. 173, a.

Donald Reid.

James Reid, citizen in Dunkeld, for Donald Reid in Logyrait, 500 merks, not to harm the Commendator of Couper.—The band, registered by Cuming, is subscribed at Dunkeld, 11th August, before Thomas Fergusoun of Belleynikan, Johne Reid in Little Dunkeld, Thomas Sandiesone, officer, and Robert M^cRaith, notary, writer hereof.

Edinburgh, 18th August. Sinclair of Roslin.

Thomas Porteous of Glenkirk for William Sinclair of Roisling, 2000 merks, not to harm Gabriell Forrest, messenger. Fol. 173, b.

John Couper.

Hew, Earl of Eglintoun, for Johne Couper, elder of Wester Brigend of Kilwynneing, £500, not to harm Hew Montgomrie or Hew Bankhead, portioners of East Brigend of Kilwynneing.—The band, registered by Mr Umphra Blinsele, advocate, and written by the said Couper, is subscribed at Kilwynneing, 15th August, before Johne Dunlop, Gavin Menzies, Robert Boyd, and Adame Jak, "our servitouris," and James Cunynghame of Kelkedow. Fol. 174, a.

Edinburgh, 20th August. Stewart of Kinnaird.

Thomas Otterburne of Reidhall for William Stewart of Kynnard, £1000, not to harm William Murray of Aberlednoch.—The band, registered by James King, advocate, and written by Mr Walter Stewart, writer in Dunkeld, is subscribed at Stirling, 18th August, before Sir James Stewart of Ballachane, Johne Stewart of Granych, and said writer hereof.

James Robertson.

Robert Robertsoun, burgess of Perth, for James Robertsoun in Kilchanzie, £1000, not to harm the Commendator of Couper.—The band, registered by Mr Patrik Forrest, advocate, and written by William Many, notary in Perth, is subscribed at Perth, 19th August, before Andro Grahame and Thomas Lamb, burgesses there, Mr Coline Ramsay, son of late William Ramsay of Murie, said Many, Patrik Drummond, and Johne Schaw, notaries,—the three notaries subscribing for the surety. Fol. 174, b.

Acta Caut. 1605–1607. Fol. 175, a.

Johne Blair of that Ilk for Mr Johne Cunynghame, minister at Darry, 400 merks, not to reset Johne Montgomrie or William Montgomrie, denounced for the slaughter of Hew Garven.—The band, registered by Mr Oliver Colt, elder, is subscribed at Linlythgow, 22nd August, before James Chalmer, macer, Robert Stewart, one of the bailies of Linlythqu, Alexander Cochrane of that Ilk, and James Ros, notary in Linlithqu, writer hereof. Edinburgh, 22nd August. Mr John Cunningham.

Fol. 175, b.

James Hammyltoun of Ardoche for Robert Cunynghame of Quhytebirst, 400 merks, in manner and to the effect abovewritten.—The band, registered by Mr Alexander Sym, advocate, and written by the principal, is subscribed at Kelwynneing, August, before Hew Montgomerie of Smythestoun, Cuthbert Hammyltoun of Auchintibber, and Johne Dunlop and Gavin Menzies, servitors to the Earl of Eglintoun. Robert Cunningham.

William Dowy in Orismylne and Johne Burt at the Coalheugh of Dysart for David Dowy in Orismylne, the said David and Johne for William, and William and David for Burt, 400 merks each, not to slay salmon fish in the water of Levin with coble, net, spear, wand, creel, pock, or any other kind of engine. Edinburgh, 24th August. William Dowie and others.

Fol. 176, a.

Robert Stewart of Casnaslick for Alexander Stewart of Clarie, 1000 merks, and for Anthone Stewart, his brother, and Roger M^{c}Coskerie in Bairquharrane, 500 merks each, not to harm Duncane Craufurd, second son of Quintene Craufurd of Camlarg, William Kennedy, burgess in Mayboill, Johne M^{c}Crekan of Barnsoilye, Thomas M^{c}Crekan in Barnes, or M^{c}Crekan in Synnones.—The band, registered by James King, advocate, and written by Mr James Adamsone, minister at Pennynghame, is subscribed at Clarie, 21st August, before the said minister, Robert Dalzell in Edinburgh, Robert M^{c}Alexander in Clauchan of Pennyghame, and Robert Greir, servitor to the Laird of Clarie. Alexander Stewart of Clarie and others.

Fol. 176, b.

Fol. 177, a.

Williame Andersone, merchant, sometime bailie of Glasgu, and Archibald Andersoun, elder, merchant, burgess there, for David Mathie and Johne Mathie, brothers, cordiners and burgesses of Glasgue, £500 each, not to harm David Andro, skinner, burgess there.—The band, registered by Mr Umphra Blinsele, advocate, and written by Johne Crage, notary in Glasgu, is subscribed at Glasgu, 20th August, before James Lyoun and Andro Stillie, merchants, William Quihytlaw, maltman, burgess there, and Archibald Hay, brother of Mr Johne Hay, parson of Renfrow,—Johne Crag and William Fleming, notaries, subscribing for the principals. Edinburgh, 25th August. David and John Mathie.

James Robertsoun in Leslie for Thomas Oliphant there, *et vice versa*, and Andro Inglis in Pirneles for William Myllair in Burnemylne, *et vice versa*, 400 merks each, not to slay any salmon fish on the water of Levin. Thomas Oliphant and others.

Fol. 177, b.

David Weymes, fiar of that Ilk, for James Weymes in Erlliseat, Thomas Swyne in Tillibrek, George Wilsone in Camron-mill, Andro Wilson, his brother, David Huntar in Camron-mill, Robert Huntar in Wester Camron-mill, Johne Swyne in Methil-mill, and Andro Anderson in Dynisface, 400 merks each, not to slay any salmon fish in the water of Levin.—The band, registered by Mr Johne Haliday, advocate, and written by James Wemyss and others.

Robert French, clerk of Kirkcaldy, is subscribed at Bogy, 25th August, before Sir James Weymes of Bogy, Patrik Weymes of Rowmgay, and said writer hereof. Acta Caut. 1605–1607.

John Whiteford.

Mathew Birsbane of Rosland for Johne Quhytfurd, burgess of Irwen, 400 merks, not to reset Johne Montgomrie or William Montgomrie, rebels (*ante*, p. 683), denounced for the slaughter of Hew Garven.—The band, registered by Mr Oliver Colt, elder, advocate, and written by James Robertsoun, servitor to Thomas Inglis, notary, burgess of Paslay, is subscribed at Pasley, 22nd August, before William Ralstoun, son of Gavin Ralstoun, younger of that Ilk, Archibald Stewart, brother of late James Stewart of Ardgowand, Symone Brisbane, portioner of Easter Walkingshaw, and Johne Alexander, servitor to James, Earl of Abercorne. Fol. 178, a.

Edinburgh, 26th August. Robert Beaton of Balfour.

James Clerk of Balbirny for Robert Betoun of Balfoure, 1000 merks, not to take or slay salmon fish in the water of Levin, conform to the charge given to him at the instance of Andro Wood of Largo, alleged heritable proprietor of the whole salmon fishing on the said water.—The band, registered by Mr David Aytoun, advocate, and written by James Clerk, is subscribed at Balfoure, 18th August, before Archibald Hammiltoun and James Betoun. Fol. 178, b.

James Clerk of Balbirny.

Robert Betoun of Balfoure for James Clerk of Balbirny, 1000 merks, not to slay salmon fish on the Levin.—The band, registered by Mr David Aytoun, advocate, and written by David Fergus, servitor to the said advocate, is subscribed at Balbirny and Balfour, 18th August, and witnessed as above.

Montgomery of Auchinhood.

Johne Peiblis of Brimlandis for Hew Montgomerie of Auchinhuid, 400 merks, not to reset Johne Montgomrie or William Montgomrie, denounced for the slaughter of Hew Garven.—The band, registered by Mr Isaak Broun, advocate, and written by William Cauldwell, notary, bailie clerk of Cunynghame, is subscribed at Irven, 22nd August, before the said writer hereof, Hew Montgomrie of Smythistoun, and Johne Mure, cook, burgess of Irwing. Fol. 179, a.

Thomas Lean.

James Weir of Blaikwod for Thomas Leyne of Blairraknying, 500 merks, not to harm Mr James Durahame of Duntarvie.—The band, registered by Mr Umphra Blinsell, advocate, and written by Mr James Weir, is subscribed at the Abbey of Lesmahagow, 24th August, before Mr James Hammyltoun, minister at Lesmahagow, Mr James Weir, Johne Weir in , Mr William Weir, son of William Weir of Auchfardell, and the said William Weir himself. Fol. 179, b.

Edinburgh, 27th August. Hay of Ury and his brother.

Archibald Wod of Crichtmondgorth for the right honourable William Hay of Urie, £2000, and for Alexander Hay, his brother, £1000, not to harm Alexander Burnet of Leyis.—The band, registered by Mr Oliver Colt, advocate, is subscribed at Montquheich, 20th August, before Mr William Barclay, advocate in Aberdeen, Johne Gardin and George Craufurd, servitors to the Laird of Urie, Mr Thomas Chalmer, notary public, servitor to the said Mr William, and Robert Stewart, notary public in Innernocthe, writer hereof. Fol. 180, a.

Acta Caut. 1605–1607. Fol. 180, b.

James Maxwell of Balgraden for Johne Teynding in Hawis, 400 merks not to harm Sir James Murray of Cockpule. Edinburgh, 28th August. John Tynding.

James Stewart of Allentoun for Allane Bell in Auchterhead, 300 merks, not to harm James, Lord of Balmerinoch, or Johne Kadzow in the Mulron. Allan Bell.

Fol. 181, a.

James, Lord Hay of Yister, for Johne Weir of Darnegawell, 1000 merks, and for James Kedar in Damdyikis, Johne Russell there, and Johne Forrest in Sommersyd, 300 merks each, not to harm James, Lord of Balmerinoch, or Johne Kadzow in Mulron.—The band, registered by Adame Cunynghame, advocate, and written by Mr George Butlar, "my servand," is subscribed at Bothenis, 27th August, before the said writer hereof, and Johne Ker, also "my servand." John Weir and others.

Fol. 181, b.

James Borthuik, fiar of Lochiehill, for Johne Traill, elder of Blebo, and Johne Blebo, his son, fiar thereof, £1000 each, not to harm Johne Carstairis, bailie of St Androis. Edinburgh, 29th August. John Trail and son.

Fol. 182, a.

Archibald George, merchant, burgess of Irwyne, for the provost, bailies, and council of Irwyne, as representing the whole body thereof, 2000 merks, not to harm any of the inhabitants of the town of Saltcoittis, conform to the King's letter dated at Edinburgh 20th July last.—The band, registered by Robert Hammyltoun, advocate, is subscribed at Glasgu, 25th August, before Mr Thomas Boyd, provost of Irwyne, Mr Alexander Skrymgeour, minister thereof, Johne Lockard, fiar of Boghall, and Robert Kellie (Kyle), burgess of Irwyne. Burgh of Irvine.

Fol. 182, b.

Johne Lockartt, fiar of Boghall, for the provost, bailies, council and community of the burgh of Air, 2000 merks, not to harm Joseph Cunnynghame in Salcoittis, Johne Braidschaw there, Johne Blak there, James Gilleis there, Thomas Dunlopie there, Robert Montgomrie there, Hew Johne there, Johne Dunlopie, David Galstoun there, or the remanent inhabitants of the Salcoittis, conform to the King's letters dated at Edinburgh, 20th July last.—The band, registered by Robert Hammyltoun, advocate, and written by the surety's "awin hand," is subscribed at Glasgu, 20th August, before Johne Power, merchant, burgess of Air, Thomas Boyd, provost of Irwyne, Archibald George, late provost thereof, Mr Alexander Skrymgeour, minister at Irwyne. Burgh of Ayr.

William Gray of Bandirrane for Michell Ramsay in the Foirth, tenant to Johne Hammiltoun of Blair, £500, not to harm Robert Durie of that Ilk, or Mr James Durie, his tenant.—The band, registered by James King, advocate, and written by Johne Schaw, notary in Perth, is subscribed at Perth, 30th August, before Patrik Kynnaird of Inchesture, Robert Gray in Peirth, and said writer hereof. Edinburgh, 31st August. Michael Ramsay.

Fol. 183, a.

David Lytle of Baldinsgill for Johne Keygo in Mulron, 300 merks, not to harm Johne Weir in Durngavill, James Kedar in Damdykis, Johnne Russell there, or Johne Forrest in Somersyde. John Keigo.

Robert Dury of that Ilk for James Hammyltoun in Cauldcoittis, Andro Walker there, Richart Robertsone there, William Boswall, Johne Gardner, Thomas and Johne Leshellis, tenants and servants of Robert Lundy of Edinburgh, 1st Sept. James Hamilton and others.

Balgony, 400 merks each, not to slay salmon fish in the Levin, conform to the letters raised by Andro Wod of Largo.—The band, registered by Mr Alexander Moresone, advocate, and written by David Syme, notary public, is subscribed at Dury, 30th August, before Richard Lundy, father-brother of the said Robert Lundy, Andro Aytoun, "my servand," and the said writer hereof. Acta Caut. 1605–1607. Fol. 183, b.

Edinburgh, 3rd Sept. John Crichton.

Andro Creichtoun of Ulzesyde for Johne Creichtoun, notary in Sanquhair, 1000 merks, not to harm Mr Robert Hunter, minister at the parish kirk of Sanquhar.

Falkland, 3rd Sept. Robert Lundy.

James Clark of Balbirny for Robert Lundy of Balgony, 500 merks, not to slay any salmon fish in the Levin. Fol. 184, a.

Edinburgh, 5th Sept. Robert MacAlexander.

Alexander Stewart of Clarie for Robert MacAlexander (MacAlshunder) in Pennygham, 300 merks, not to harm William Kennedy, burgess of Mayboill, Duncane Craufurd, son of Quintene Craufurd of Camlarge, Johne M°Crakan of Barnsailyie, M°Creikan in Sainnones, Thomas M°Crakan in Barnes, M°Crakan, his son, Finlay M°Crakan, burgess in Wigtoun, Patrik Stewart of Dallashe, or William Craufurd in Kerewishill.—The band, registered by Robert Hammyltoun, advocate, and written by Mr James Adamsone, minister at Pennynghame, is subscribed at Clarie, 2nd September, before Andro M°Alexander of Dalkeoch, the said minister, and Robert Greir, "my servitour." Fol. 184, b.

Edinburgh, 8th Sept. Ninian Moir and others.

Laurence Oliphant of Forgoundeny for Niniane Moir in Kildonyng, Thomas Chapman there, Andro Quhytok there, Beatrix Stewart, relict of James Chapman there, Niniane Gairdner there, Johne Chapman there, James Eilsoun there, Robert Moir there, and James Hutsoun there, £500, not to harm Johne Murray of Tibbermure, Sir James Murray, his eldest son and apparent heir, Patrik Murray, also his son, or Johne Murray of is Clachybeg.—The band, registered by Mr William Oliphant of Newtoun, advocate, and written by Mr Thomas Johnstoun, servitor to said advocate, is subscribed at Forgoundeny, 7th September, before Johnne Oliphant, the surety's eldest son, the said writer hereof, and Alexander Oliphant, the surety's servitor. Fol. 185, a.

Edinburgh, 10th Sept. Johnstone of Caskyben and others.

Mr Duncane Forbes of Bonagask for Johne Johnstoun of Caskiebien and Robert Johnstoun of Cremond, £1000 each, and for James Johnstoun, burgess of Aberden, Gilbert Johnstoun of Petteismylne, Johne Johnestoun in Damgreynis, Johne Johnstoun in Slipiehillok, 500 merks each, not to harm David Skene at the Mill of Pottertoun, Johne Wod in Egie, Alexander Tillyry there, Andro Tailyeour in Keir, Thomas Tillyry there, Johne Wishart there, Johne Clark in Pottertoun, Gilbert (? George) Clark, his son, Johne Kay in Mureburn, Thomas Symsone in Fyffishill, Walter Edmond in Haltoun, Robert Davidsone in Newtoun, William Nicoll there, George Clark in Alderstoun, Andro Skene there, Johne Skene in Quhytecarnes, Johne Baverlie in Fauchsyd, Paull Rae in Arnruffis, George Smyth in the Mains of Ardo, Robert Clark there, Andro Lyoun, younger there, David Lyoun there, David Bayne there, Gilbert Jaffray there, Johne Beane there,

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Robert Peirie at the Mill of Ardoch, Arthour Rae in Balmedy, Gilbert Bannerman there, Johne M°Kie in the Croft of Keir, Barnard Henry there, Johne Tilliry in Egie, Walter Wod there, David Watsoun there, Walter Paull in Haltoun, William Skrymgeour, Johne Gembill at the Mill of Haltoun, Robert Jackson in Old Overtoun, William Seatoun in Quhytcarnes, Patrik Walker in the Mill of Ardoch, Gilbert, Thomas, and Johne Sanderssis in Middle Mure, George Stirling in Ballmedy, burgesses of Aberdene, Patrik Findlay, James Davidsone in Old Overtoun, Robert Shand in Cragy, Alexander Pantoun there, Alexander and Johne Hendersones in Langseitt, Thomas Riddell, smith there, William and

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Gilbert Clarkis there, conform to the King's letters dated 8th August last. —The band, registered by Mr Laurence M°Gill, advocate, and written by Mr Andro Clerk, notary public, is subscribed at Aberdene, 1st September, before Mr Alexander Irwing, advocate, Mr James Irwing, his son, James

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Johnstoun, son of the parson of Monymusk, and said writer hereof.

David Reid and George Smart.

Robert Beatoun of Balfour for David Reid and George Smart, his tenants at Balfour-mill, 400 merks, not to slay salmon fish in the Levin.— The band, registered by Mr Umphra Blinsele, advocate, is subscribed at Balfour, 6th September, before James Beatoun and Johne Beatoun.

John Curror.

Johne Ker, burgess of Edinburgh, for Johne Currour in Mowmains, 500 merks, not to harm Walter Hird, sometime in Hartsyd and now in Callalie.

Walter Herd.

William Hird in Edinburgh for Walter Hird, now in Callale, 500 merks,

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not to harm Johne Currour in Mowmains.

Edinburgh, 11th Sept. John Gordon and others.

James Arbuthnot of Lentushe for Johne Gordoun of Boigis and Robert Johnestoun in Kayismylne, £1000 each, and for Johne Gordoun in Chappeltoun of Essilmonth, 1000 merks, not to harm David Skene at the Mill of Pottertoun, Alexander Tilliry in Egie, Andro Tailyeour in Keir, Thomas Tilliry there, George and William Clerkis, Johne Kay in Muretoun, Walter Edmond, Andro Milne in Haltoun, Patrik Remsay there, Robert Davidsone in Muretoun, George Clerk in Ovirtoun (Overhill), Robert Jacksone there, George Clerk at the Mill of Haltoun, Andro Skene in Overhill, Johne Skeyne there, Johne Baverlie in Fauchsyd, Gilbert Leisk there, Paull Rae in Arnruffe, George Smyth in Cammobares, David Lyoun in Ardo, Johne (? Andro) Cristell there, Duncane Beane there, Gilbert Jaffray, Johne Beane there, Arthour Rae (? Andro Kay) in Bowmady, David Watsone there, Walter (? William) Paull in Haltoun, Johne Wishert in Keir, Gilbert and Johne Sandis (Sanderis) in Middletoun Muir, Johne Kynneir, burgess of Aberdene, Patrik Findla, his servant, Robert Shand in Cragy, Alexander Pantoun there, Alexander and Johne Hendersones, Thomas Riddell, smith, Johne Lyoun in Midlemoir (Mure).—The band, registered by Robert Hammyl-

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toun, advocate, and written by Mr William Ray, notary public, is subscribed at Haltoun of Fintrey, 6th September, before Johne Johnestoun, son of the late Patrik Johnstoun, David Arbuthnot, the surety's brother, and the said writer hereof.

Sir George and John Ramsay.

Thomas Otterburne of Reidhall for Sir George Ramsay of Dalhoussie, 2000 merks, and for Johne Ramsay of Quhytehill, 1000 merks, not to harm Nicoll Ramsay of Cockpen. Acta Caut. 1605–1607. Fol. 187, b.

Edinburgh, 12th Sept. William Bennet.

Ragwall Bennett of Chesteris for William Bennett, brother of the said Ragwall, 1000 merks, to answer before the Council on 24th instant for wounding Robert Trumbull in Langtoun, and Bessie Dowglas, his spouse.

Edinburgh, 15th Sept. Mr Robert Hunter.

Mr Robert Hunter, minister at the parish kirk of Sanquhair, as principal, and Captain James Huntar, burgess of Edinburgh, as surety, 1000 merks, not to harm Johne Creichtoun, notary in Sanquhair.

Ramsay of Cockpen.

Johnne Elphingstoun of Schank for Nicoll Ramsay of Cokpen, 1000 merks, not to harm Sir George Ramsay of Dalhoussie. Fol. 188, a.

Edinburgh, 16th Sept. The Earl of Cassillis.

Patrik Campbell of Balschalloch for Johnne, Earl of Cassillis, 1000 merks, not to reset Hew Kennedy of Bennane during his rebellion, conform to the charge, of date at Edinburgh 31st August, given to him by David Merschell, messenger.—The band, registered by Robert Hammiltoun, advocate, and written by William Gairdner, notary, is subscribed at the place of Carswele, 12th September, before William Hammiltoun, William Kennedy, and Johne M^{c}Ilvane, younger of Gremmet, servitors to the said Earl, and said writer hereof. Fol. 188, b.

John MacIlvane and others.

Johnne, Earl of Cassillis, for his servitors Johne M^{c}Ilvane of Grumet, younger, and Johne Dick, 500 merks each, and for William Kennedy in Mayboll, £100, not to reset Hew Kennedy of Bennane, conform to the King's letters dated at Edinburgh 31st August.—The band, registered by Robert Hammiltoun, advocate, and written by William Gairdner, notary, is subscribed at Corswele, 12th September, before William Hammiltoun, Robert Kennedy, and James Mure, the surety's servitors, and said writer hereof. Fol. 189, a.

Edinburgh, 18th Sept. David Aitken and John Hood.

Robert M^{c}Clune of Knokmorrane for David Aickine and Johne Hude in Fairlie, 400 merks each, not to reset Johne Montgomrie or William Montgomrie, rebels (*ante*, p. 683).—The band, registered by Robert Hammiltoun, advocate, and written by Archibald Connell, notary in Largis, is subscribed at Largis-Kirktoun, 15th September, before Robert Forrest (Forrester) in Fairlie, James Connell, son of the said Archibald, and David Blakburne in Fairlie,—Archibald Connell subscribing for the principals. Fol. 189, b.

David Farie.

Johne Montgomrie of Longhirst, brother of Thomas Montgomrie of Overkams, for David Pharie in Largis, 400 merks, to the effect above-written.—The band, registered as above and written by James Connell, is subscribed at Largis-Kirktoun, 15th September, before Johne Aiken, merchant in Largis, David Blakburne in Fairlie, and said writer hereof,—Archibald Connell subscribing for the principal and surety. Fol. 190, a.

John Forrester.

Robert M^{c}Clune of Knokmorrane for Johne Forrester in Fairlie, 400 merks, also to the effect foresaid.—The band, registered, &c., as above, is witnessed by Robert Forrester in Fairlie, David Blakburne there, David Aiken and Johne Hude there,—Archibald Connell subscribing for the principal.

Robert Jamie.

William Boill of Ballykewn for Robert Jamei in Largis, 400 merks, Fol. 190, b.

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also to the effect foresaid.—The band, registered, &c., as above, is witnessed by Johne Montgomrie, brother of Thomas Montgomrie of Over Kames, Johne Aicken in Largis, and David Pharie,—Archibald Connell, writer hereof, subscribing for the principal.

Fol. 191, a. David Blackburn.

Alexander Jamesoun, fiar of Halie, for David Blakburne in Fairlie, 400 merks, also to the effect foresaid.—The band, registered, &c., as above, is witnessed by Robert M°Clune of Knokmorane, Robert Forrester in Fairlie, Johne Forrester there, David Aicken there, and James Connell, writer hereof,—Archibald Connell subscribing for the principal.

Fol. 191, b. Archibald Connell.

Henry Kelso of Flatt, brother of David Kelso of that Ilk, for Archibald Connell in Largis, 400 merks, also to the same effect.—The band, registered, &c., as above, is witnessed by James Connell, Johne Sinclair, son of late Johne Sinclair in Largis, and David Or in Largis,—the principal being the writer hereof.

Fol. 192, a. John Aitken.

Ezechiell Montgomrie of Bargaene for Johne Aicken, merchant in Largis, 400 merks, also to the same effect.—The band, registered, &c., as above, is subscribed at Southennen, 14th September, before Mathew Sempill, Robert Ewing, servitor to Robert, Lord Semple, and David Hucheoun in Southenneing,—Archibald Connell, writer hereof, subscribing for the principal.

Fol. 192, b. Edinburgh 19th Sept. Alexander Johnstone and others.

James Gordoun of Haddo for Alexander Johnestoun in Tarves, Johne Johnstoun in Archedlie, William Dovertie in Little Meldrum, George Dovertie, his son, and Arthour Johnstoun in Auchindarg, 500 merks each, not to harm David Skene at the Mill of Potertoun and his colleagues (*ante* p. 691), exclusive of Johne Baverlie, Gilbert Leisk, and Paull Rae, but with the addition of William Ryvell in Muretoun, who does not appear in the former list.—The band, registered by Robert Hammyltoun, advocate, and written by James Bwry (? Birny), notary public in Tarves, is subscribed at Kelty, 8th September, before Archibald Kaith at the Chapel of Andett, William Crage, "Rothalles" herald, Robert Johnestoun, James Birne, notary public, writer hereof, and Thomas Monro in Tarves.

Fol. 193, a. John Arbuthnot.

William Chalmer, sometime of Tillikeirie, for Johne Arbuthnot of Carnegall, 1000 merks, not to harm David Skene and his colleagues, as in the act of 10th September (*ante* p. 690).—The band, registered by Robert Hammyltoun, advocate, and written by Mr William Chalmer in Aberdene,

Fol. 193, b.

is subscribed at , 14th September, before George Elphingstoun, saddler, burgess of Aberdene, William Elphingstoun, his son, Gilbert Chalmer, writer in Aberdene, and the said writer hereof.

Edinburgh, 22nd Sept. Thomas Kennedy and others.

David Kennedy of Glenhapill for Thomas Kennedy of Kirkhill, David Kennedy in Corssis, and David Kennedy, younger in Corssis, not to reset Hew Kennedy of Bennane during his rebellion, conform to the charge given to him at the instance of Thomas Kennedy of Bargany, and Josias Stewart of Bonytoun, his tutor.—The band, registered by Mr Alexander Cuming, advocate, is subscribed at the Kirkhill, 14th September, before William M°Teir and Johne Eccleschame, servitors to the said Thomas Kennedy, Andro Wrycht in Balhomie, and David Merschell, notary in

Ballentray, writer hereof. Thomas Kennedy of Ardmillane and Johnne Kennedy of Clondrischeik oblige themselves to the same effect, conform to the charge given to them dated at Edinburgh 31st August last.—The band, registered as above, is subscribed at Ardmillane, 16th September, before George Masoun, son of George Masoun, bailie of Air, William Kennedy of Pundland, and David Merschell, notary, writer hereof. Acta Caut. 1605–1607. Fol. 194, a.

Edinburgh, 24th Sept. John Williamson and others.

Robert Hammyltoun, advocate, for Johne Gibsoun in Craufurd, 100 merks, and Johne Williamsone in Overhall of Glenyeith for Henry Williamsone in Shortcleuch in Craufurdmure, Mungo Williamsone there, Johne Williamsone called of the Hoill, and Johne Williamsone, younger in the Midowsett, 500 merks each, that, on being freed furth of their present ward in the tolbooth of Edinburgh, they shall re-enter therein when charged upon six days' warning. Fol. 194, b.

William Bennet.

Ragwell Bennett of Chesteris for William Bennett, his brother, 1000 merks, to answer before the Council when charged for wounding Robert Trumble in Longtoun, and Bessie Dowglas, his spouse.

James Ogilvy.

Henry Annand of Orchartoun for James Ogilvy of Birnes, 2000 merks, not to harm George Currour of Inchedroure, conform to the King's letters dated at Edinburgh 16th October 1606.—The band, registered by Mr Alexander King, advocate, and written by Andro Cruikschank, notary public, is subscribed at Ochterellone, 21st September, before Alexander Annand of Ochterellone, Mr James Annand, his brother, William Thomesoun, servitor to the said Alexander, said writer hereof, and Alexander Annand, eldest son of the said Alexander. Fol. 195, a.

Edinburgh, 25th Sept. Thomas and Robert Williamson.

Johne Williamsone of the Overhall for Thomas Williamsone, called Thomas the Borderer, and Robert Williamsone, called of the Midowsett, 500 merks each, to answer before the Council, on 15th October next, for destroying the materials and furniture of his Majesty's gold mill in Crawfurdemure.

George Carruthers.

Robert Maxwell, brother of Johne, Lord Maxwell, for George Carrutheris, son of the Laird of Holmendis, 500 merks, not to harm Sir James Murray of Cokpuile.—The band, registered by Robert Hammiltoun, advocate, and written by Johne Blak, notary, is subscribed at Drumfreis, 21st September, before William Jarding, apparent of Thornik, Charlis Maxwell, brother of the Laird of Conhaith, William Edzair, "my servand," and the said writer hereof. Fol. 195, b.

John Stanhope.

Johne Fairlie of Colmestoun for Johne Stanehope, portioner of Wester Dudistoun, 1000 merks, that, on being freed furth of his present ward in the tolbooth of Edinburgh he will re-enter therein when charged; also that he shall not harm Andro Scott, chirurgeon, burgess of Edinburgh, under the pain of 3000 merks. Fol. 196, a.

Gordon of Lochinvar.

Johne Gordoun of Cullinde for Sir Robert Gordoun of Lochinvar, to answer before the Council on 15th October next for the slaughter of James Gordoun, committed by him within his own house, under pain of 5000 merks.

Edinburgh, 26th Sept.

Johne Moffett, burgess of Edinburgh, for Thomas Kennedy of Bargany

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and Josias Stewart, his uncle and tutor, 1000 merks, not to reset Thomas Kennedy of Drummurchie or any of his accomplices denounced for the slaughter of Thomas Kennedy of Cullane, tutor of Cassillis, in the house of Bennane. Thomas Kennedy and Josias Stewart.

Thomas Fallasdaill, bailie of Dunbertane, for Archibald Cunynghame, bailie there, 500 merks, and for William Cunynghame, messenger, £100, to answer before the Council on 15th October next to a complaint made against them by Robert Mure, son of Thomas Mure in Glasgow, and Alexander Dunlop, merchant there, for assaulting them with swords and lances, with purpose to slay them. Archibald and William Cunninghame.

Fol. 196, b.

Johne Mowbray of Croftangrie and Johne Stewart in Nether Cramond for Thomas Stewart in Nether Cramond, 500 merks, to answer before the Council on 5th November next to such things as Alexander Douglas, macer, has to lay to his charge ; also not to harm the said macer. Edinburgh, 28th Sept. Thomas Stewart.

Johne Leslie in Old Mill of Crimound for George Leslie of Old Crage, and Alexander Leslie, brother of Johne Leslie of Pitcaple, either of them in £500, to answer before the Council on 5th November next to the complaint against them by Sir Thomas Hammyltoun, King's advocate, Johne Leith of Harthill, Patrik, Mr George, and Mr William Leythis, his sons, for coming with convocation in arms to the Kirkton of Rane and there pursuing the said Johne Leith and his sons with unlawful weapons. George and Alexander Leslie.

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Johne Levingstoun, portioner of Cramound, for Florence Levingstoun, tailor, burgess in the Cannongait, 500 merks, not to harm Niniane M^cMorane, bailie of Edinburgh. Edinburgh, 29th Sept. Florence Livingstone.

Johnne Leith of Harthill for James Gordoun, apparent of Lesmoir, £2000, and the said James for Alexander Burnet of Leyis, his eldest son, Alexander Gordoun of Lesmoir, James Gordoun, his eldest son, George Banerman of Wattertoun, and Alexander Banerman, his eldest son, £2000 each, and for Thomas Burnet of Annettis, Alexander Burnet of Cluny, and George Gordoun of Inverrie, £1000 each, and for Alexander Gordoun, brother of the Laird of Inverrie, Gordoun of Buntie, and William Gordoun of Sauchine, 500 merks each, not to harm William Hay of Urie, or Alexander Hay, his brother.—The band, registered by Mr William Naper, advocate, and written by Thomas Crombie, writer, is subscribed at Edinburgh, this day, before James Ker, burgess of Aberdene, James Dumbar in Clune, George Gordoun, servitor to the said James, the said writer hereof, and Alexander Dumbar, son of late George Dumbar of Awchie. Edinburgh, 3rd October. Burnet, Gordon of Lesmore and others.

Fol. 197, b.

Thomas Otterburne of Reidhall for Hary Stewart of Cragyhall, 2000 merks, not to harm Alexander Douglas of Nether Crawmond. Edinburgh, 6th October. Harry Stewart.

Fol. 198, a.

Niniane Andirsone, cordiner, burgess of Glasgow, for David Mathie, cordiner there, £500, that, on being freed furth of his present ward in the tolbooth of Edinburgh, where he is imprisoned for wounding Andro Skynner, burgess of Glasgow, he will re-enter therein when charged.—The band, registered by Mr Umphra Blinsele, advocate, and written by Johne Nicoll, servitor to David Andersone, writer in Edinburgh, is sub- David Mathie.

scribed at Edinburgh, 5th October, before said David, Johne Mathie, brother of the principal, and James Scot, servitor to Mr David Schairp, minister of Christ's Evangel at Boithwell,—John M^cGill and John Nicoll subscribing for the principal. Acta Caut. 1607–1609.

Edinburgh, 10th October. Johnstone of Westraw.

William, Earl of Mortoun, obliges himself in 5000 merks to enter James Johnnstoun of Westraw before the Council when required upon 15 days' warning.—The band, registered by Mr William Douglas, advocate, and written by Abacuth Bisset, writer to the signet, is subscribed at the Castle of Dalkeith, 10th October, before George Dowglas, younger of Langnudrie, Archibald Douglas, son of my Lord of Melrois, William Dowglas and Johne Dowglas, "our servitouris." Fol. 198, b.

Edinburgh, 14th October. William Cumming, fiar of Earnside.

George Cuming of Wood for William Cuming, fiar of Eirnesyde, £1000, not to harm Elizabeth Home, prioress of St Bothanis, conform to the King's letters dated at Edinburgh 30th July.—The band, registered by Mr William Borthuik, advocate, and written by William Annand, is subscribed at Elgin, 9th October, before Patrik Dumbar of Stranquhar [Sanquhar], Johne Lin in Eirnesyde, Mr Thomas Annand, burgess of Elgin, and said writer hereof. Fol. 199, a.

Duncan Fraser.

Johne Bayne, portioner of Slego, for Duncane Fraser, younger of Monlochie, 500 merks, not to harm Kenneuth M^cKanzie of Killchreist.—The band, registered by Mr Patrik Forrest, advocate, and written by Alexander Duff, notary public, common clerk of Inuernes, is subscribed at Inuernes, 30th July, before Alexander Bane of Logy Wester, Mr Ronnald Bane, burgess of Dingwall, Thomas Moncreif, bower in Invernes, and said writer hereof. Fol. 199, b.

Edinburgh, 15th October. Robert and Thomas Williamson.

Johne Williamsoun in the Overhall of Glengeich for Robert Williamsoun, called of the Mid Onset, and Thomas Williamsoun, called the Borderer, 500 merks each, to answer before the Council when charged for demolishing the materials of his Majesty's gold mines in Crawfurdmure.

Gordon of Lochinvar.

Sir Robert Gordoun of Lochinvar obliges himself in £5000 to enter on 5th November next dame Elizabeth Ruthven, his spouse, before the Council, so that order may be taken as to the differences between him and her.

Duchess of Lennox.

Montgomerie of Hessilheid for dame Jeane Campbell, Duchess of Lennox, £10,000, to deliver Lady Elizabeth Steuart, her daughter, in the place of Cardonnald, on 21st instant, to Ludovick, Duke of Lennox, or Waltir, Lord of Blantyr, or to any other having the Duke's commission to receive her.

Edinburgh, 19th October. David Ramsay and others.

Hew Ballendene, son of late James Ballendene of Pendriche, for David Ramsay in the Hilhead of Lawswad, Thomas Andro in Poltoun-mill, and Mungo Short in Cubok-mill, 500 merks each, not to harm Sir George Ramsay of Dalhoussie.—The band, registered by James King, advocate, and written by Johne Young, writer, is subscribed at Edinburgh, 19th October, before Johne Ramsay in Edinburgh, Johnne M^cCoull, one of the ordinary officers of the said burgh, and Johne Ramsay, servitor to the said George, —William Ker and Mr Alexander Lawsoun, notaries, subscribing for Thomas Andro and Mungo Short. Fol. 200, a.

Acta Caut. 1607–1609. Fol. 200, b.

James Currour of Holme for Archibald Crockett in Holme, not to harm Johne and Robert Murdoches, sons of Johne Murdoche in Holme, under the pains in the King's letters.—The band, registered by Archibald Boyd, advocate, and written by Johnne Young, notary public in Drumfreis, is subscribed at Drumfreis, 18th October, before Adame Lamb, goldsmith in Drumfreis, Alexander Crightoun, servitor to Alexander Cunynghame, Fol. 201, a. writer, Cuthbert Cunynghame, son of Cuthbert Cunynghame, burgess of Drumfreis, and Nicoll Forsyth, burgess of Edinburgh,—Alexander Cunynghame and John [? Young], notaries, subscribing for the surety.

Edinburgh, 22nd October. Archibald Crocket.

James, Lord Hay of Yester, for Johne Weir in Dargavell, his tenant, 2000 merks, not to harm James, Lord of Balmerinoch, or Johne Kedyow in Mulron.—The band, registered by Mr Thomas Gray, advocate, and Fol. 201, b. written by Mr George Butlar, the surety's servitor, is subscribed at Neidpethe Castle, 24th October, before the said writer hereof, and Johne Ker, the surety's servant.

Edinburgh, 27th October. John Weir.

Hary Stewart of Cragyhall for Thomas Stewart in Nether Crammond, £500, not to harm Alexander Douglas, macer.

Thomas Stewart.

There having fallen out "a great trouble" between the magistrates and inhabitants of Perth on the one side and some friends of Patrik, Lord of Lendoris on the other side,—whereby "some slaughter and bloodshed" Fol. 202, a. is alleged to have been committed,—Johne, Earl of Tullybairdin, obliges himself in 10,000 merks that David, Lord of Scone, provost, James Drummond, Gavin Dalzell, Patrik Andersone, and William Williamsone, bailies of the said burgh this present year, and the said Provost, said Dalzell, Robert Mathew, Andro Arnot, and Gabriell Merser, bailies during the preceding year, shall keep the King's peace till 5th November next and not invade the other party.—The band, registered by Mr Umphra Blinshell, Fol. 202, b. advocate, and written by David Chalmer, notary in Perth, is subscribed at Perth, 28th October, before William Murray of Drumsyn, Johne Pitcarne, Mr Coline Ramsay, brother of William Ramsay of Murie, and Patrik Brusone, writer in Perth,—Henry Elder, common clerk of Perth, subscribing for Gabriell Merser.

Edinburgh, 31st Oct. Provost and bailies of Perth.

THE BORDERS.

A.D. 1604–1607.

THE BORDERS.

Fol. 10, a.

Williame, Master of Mortoun, acknowledges Alie Betie of Blakesk, and Rowy Betie, his brother, to be his men, and becomes bound to enter them when required to answer for their "contempt done to his Majesteis Guarde." Haddington, 16th Nov. 1604. Caution for Alie and Rowy Beatie.

Fol. 10, b.

Similar caution by Harbert Maxwell of Cavenis for Robert Armestrang, son of Jok of Kynmonth, and Thome Armestrang, called the "merchant," and by Neill Hewatt of Bodisbeg for Syme Johnestoun of Finglen, in 500 merks each. Caution for Robert and Thom Armstrong.

Caution by Mr William Hay of Barra for Harbert Maxwell of Cavenis, that he will answer at Hadingtoun, upon 13th December next, before the Lords of Secret Council, to such things as shall be laid to his charge, under the pain of £1000,—Mr William Mawxell, son of the said Herbert, becoming surety in relief. Haddington, 29th Nov. 1605 (? 1604). Caution for Herbert Maxwell.

Johnne, Lord Maxwell, in obedience to charge given to him, enters Johnne Litill in Burnefute, Johnne Litill, his son, Johnne Hoip in Glenvarrane, Richie Broun in Birkryne, Jokie Broun in Knok, Archie Batie in Birkryne, Andro Baty, the smith, Adie Dalgleishe in Bogkin, Andro Litill in Burnfute, Stevin Litill in Cuill, and Johnne Thomesoun in Kirkhill, as alleged guilty of the "attempt" against the King's Guard; and, the Lords having delivered the said persons back to Lord Maxwell, he becomes bound to re-enter them when required to answer for the said offence. Haddington. 13th Dec. 1604. Certain persons entered by Lord Maxwell.

Fol. 11, a.

Johnne, Lord Maxwell, enters and presents James Armestrang of Cannabie and Jokie Armestrang of the Gyngillis, to answer for their "attempt" against the King's Guard; and, they being redelivered to the said Lord, he promises to be answerable for their sure keeping.—Lord Maxwell havng also entered Niniane Armestrang, called "New Maid Rinyeane," and Will Armestrang of Rowanburne, as guilty of the said "attempt," these two are committed to ward in the tolbooth of Edinburgh.—Caution in 5000 merks by Lord Maxwell for presenting James Armestrang, called of Cannabie, and Jok Armestrang of the Gyngillis, before the Council upon 18th April next to answer for their "attempt" against the Guard.—The entry of the said persons this day (18th April 1605) is dispensed with, and Lord Maxwell obliges himself to present them upon 16th May next, under the pain of 5000 merks. Edinburgh, 7th March 1605. Anent the entry of certain Armstrongs. Edinburgh, 8th March 1605. Edinburgh, 18th April 1605.

Fol. 12, a.

His Majesty ordains a Commission to be made under the great seal

Commission of justiciary to certain persons for the late Border counties of Scotland, now the middle shires of Great Britain.

bearing that, having a special care that the shires of Berwick, Roxburgh, Selkirk, Peblis, Dumfreis, and the stewartries of Kirkcudbrycht and Annerdaill (which, having now by the union of the two crowns become "as it wer the harte of his said royall empyre," should be an example of "civilitie and obedience to the haill remanent boundis of his kingdome of Grit Britane,") shall be reduced to obedience, he therefore constitutes Sir Williame Seatoun of Kilesmore, Sir Williame Home of Quhytlaw, Patrik Chirnesyd of East Nisbet, Robert Charteris of Amisfeild, Mr Gedeone Murray of Elybank, or any of them, his justices within the said bounds. They are to have full power to hold courts of justiciary in the said shires for the trial and punishment of offenders, accounting for the unlaws and amercements to the King's Treasurer of Scotland. The Captain of the King's garrison within the said bounds, and, if need be, the sheriffs, noblemen, gentlemen, and inhabitants of burghs in the said shires, are to cooperate with the Commissioners by following fugitives from justice and besieging and destroying the houses or castles where they may take refuge; and there is to be immunity to the justices and their assisters for any "mischance or inconvenient" done in the execution of this commission. The Comptroller of Scotland is ordained to pay to each of the said justices a yearly fee of 400 merks Scots in equal portions at Whitsunday and Martinmas during the time of their employment, the commission to be in force during the King's good will and pleasure, and publication hereof to be made. Fol. 12, b.

"Instructionis gevin to our Commissioneris authorised be our commissioun for setling of peace, quyetnes, and gude ordour within the sherefdomes of Bervick, Roxburgh, Selkirk, Peblis, Dumfreis, stewartreis of Kirkcudbrycht and Annerdaill, and within the cuntreyis of Northumberland, Cumberland, and Westmoreland. Fol. 13, a.

Instructions to the Commissioners for the late Scottish and English Marches, now the middle shires of Great Britain.

Imprimis, seing we have maid choise of the saidis personis as most meit and able to execute the charge committit unto thame, quhais former behaviour and actionis assuris us of thair fidelitie and eirnest affectioun to the furtherance of our service, and that nothing salbe omitted be thame that may tend to the advancement thairof, we thairfoir recommend to thair cair and diligence the finding out and provyding of all sic gude meanis as with honnour may procure the setling of peace, quyetnes, and of our obedience in these boundis.

That at thair first meitting thay elect amang thameselffis ane of thair nowmer, being of the Englische syde, to be convenar of the rest and the appointer of the place of meitting as the service sall requyre, and that chairge to endure for the space of thrie monethis efter his electioun; at the end quhairof ane of the Scottis syde to be maid choice of to be convenar in lyk maner for the lyk space; and ever thairefter be vicissitude ane of eache cuntrey frome thrie monethis to thrie monethis to be chosin and elected.

That thair places of convening and meitting salbe in the citie of Carlile,

The Borders, 1603–1643.

burrowis of Dumfreis, Jedburgh, and Bervick, or any uther commodious place quhatsoever that maybe thocht fittest for the occasioun of the service that salbe then offerit. Instructions to the Commissioners for the late Marches.

That thay have ane speciall cair and regaird for removing of deidlie feidis within the saidis boundis and for preventing of sic occasionis as may ather renew bigane feidis or mak new inimiteis to aryse within the cuntrey, and utherwayis with all haist possibill to suppres, sa fer as in thame lyis, that unnaturall and barbarous custome.

That they caus delyverie to be maid of all personis fugitive fra the one cuntrey to the uther, or that utherwayis ar suspect guiltie, and that to the ordinar officer and minister that sall demand thame to justice.

That thay caus extract the names of all outlawis, rebellis, fugitives and outlawis, and utheris unanswerable to the lawis, and tak ordour how that ather thay may be maid furthcummand to justice, or then the cuntrey be voydit of thame.

That thay inquyre for the registeris and nottes maid be the Lieutennantis clerkis on ather syde of all souerteis found for any personis to be ansuerable to justice, that accordinglie thay may demand thair entrie from thair cautioner, and that thairby also thay may understand the Lieutennantis procedingis.

That lykwayis all actis of cautioun and generall bandis that hes bene gevin be any duelling within these boundis may be considerit of, and the pairteis band to be burdynit to mak thair men ansuerable according thairto.

That speciall cair be had for expelling furth of the saidis boundis of all idle vagaboundis quhais meanis to leif and sustene thameselffis being unknawne caryis ane presumptioun of thair unlawfull purchase for thair mantenance.

Fol. 13, b.

That all these in quhome thair can be expectit na houpe of amendement and ar thocht incorrigible may be removit furth of that cuntrey to some uther place, quhair the change of air will mak in thame ane exchange of thair maneris.

That the armour quhilk hes servit the brokin people within these boundis in thair lewd actionis may be takin frome thame, and that nane of thame quhais bipast behaviour makis thame suspect be permitted to have horses for any uther use or of better valew then ordinarie wark horses for the lauboring of the ground.

That thay exact ane particular accompt of the commissioneris that salbe apointit for administratioun of justice and causing of executioun to be done upoun the offendouris, and that thay sett doun the formes how the saidis commissioneris sall proceid in the justice courtis to be haldin be thame, and utherwayis baith be thair authoritie and advyse assist thame as thair salbe occasioun.

That thay mak ane certificat every tuo monethis at the leist to the Counsallis of bothe his Majesteis kingdomes of Scotland and England, or ofter as the service sall requyre, of thair haill procedingis, and, as thay

salbe directit from the saidis Counsallis in any thing tuicheing the furtherance of that service, that thay conforme thameselffis thairto accordinglie.

That thay mak choise of some qualifeit persone to be clerk to thame for recording of all thair proceidingis."

Edinburgh, 14th March 1605.

Act concerning his Majesty's garrison or armed company for service on the late Marches.

His Majesty having not only authorised certain well affected persons as Commissioners for establishing of "perfyte obedience and civilitie" within the bounds of late called the Marches of the two kingdoms, but also undertaken to maintain a company of horsemen at his own expenses for execution of their directions, and chosen Sir Williame Cranstoun, apparent of that Ilk, to be captain of this company, the Lords, following the King's opinion in this matter, appoint 25 persons to be the full number of the company under the said captain and allow to the captain 100 merks Scots for his monthly wages and to each of the said 25 persons 40 merks Scots: said wages to be paid monthly by the Comptroller, beginning upon 15th instant. Fol. 14, a.

Commissioners for the late Marches accept their office.

Sir William Seytoun, Sir William Home, Sir Patrik Chirnesyde, Sir Johnne Chairterhouse of Amisfeild, and Sir Jedeone Murray appear before the Council, accept the commission of justiciary granted to them (*ante*, p. 702), and give their oaths *de fideli administratione.*

Proclamation for assistance to the said Commissioners in the execution of their office.

For the better execution of this commission of justiciary, accordingly, proclamation is ordered at the market crosses of Duns, Jedburgh, Selkirk, Peblis, Drumfreis, Annand, Lochmaben, Kirkcudbrycht, and other places needful, charging all and sundry within the shires of Beruik, Roxburgh, Selkirk, Peblis, Drumfreis, and the stewartries of Kirkcudbricht and Annanderdaill, to obey the Commissioners in their office, meet them when advertised for giving their advice, or for pursuit of rebels and fugitives, accompany them, when required, to Carlile and other places on the opposite bounds, and also charging the inhabitants of the towns foresaid to put themselves in arms, to keep watch and ward within their towns, and accompany the Commissioners, as they shall be directed, all under pain of being punished as contemners of his Majesty's directions. Fol. 14, b. Fol. 15, a.

Questions proposed to the Secret Council by the said Commissioners respecting their procedure in their office, and Answers thereto by the Council.

"QUESTIOUN: That it wald pleis your Lordships, for oure greittar help and further of his Majesteis service appointit us of your Lordships, [to] chois ane sufficient qualifeit clerk and of gude fame, to await upoun the charge in all convenient placeis, bestowing allowance on him at your Lordships pleasour according to his merite.

ANSWER: The Lordis remittis the chose of the clerk to the Commissionairis thameselffis, and ordanis that he be ane of the ordinair nomber of the garisoun and horsmen, and to have his allowance accordinglie.

QUESTIOUN: That it will pleis your Lordships to consider of some limitatioun of tyme in oure proceidingis, appointing to us at first certane yeiris als wele for putting of decrittis to executioun as ressaveing of all sortis of dittayis within the same, that some gude officeis we may do,

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being boundit within ane prefixt tyme rather then be confusioun be les able to mak ony gude dispatche ; and thairefter, gif God blis this werk in our handis at your Lordshipis appointment, we salbe verie willing to undertak forder as we find oureselffis be experience able to discharge ony gude dewtie thairin.

Anent the procedure of the Commissioners of the late Marches in the execution of their office.

ANSWER : The Lordis ordanis the Commissionairis to begin at attemptis commitit sene the deceis of the late Quene of England, and, for preceding attemptis, that they proceid thairin as they may overtak thame.

Fol. 15, b.

QUESTIOUN : That it wald pleis your Lordshipis to gif your best advise and resolutioun how we sall proceid in criminall materis importing lyff, for satisfactioun of English complenairis upoun our people, als wele for byganes as in tymes to come, and quhidder the same salbe by the delyverie of the offendouris to be judgit by the English lawis, craving the lyke of thame, or utherwyse everie ane to judge thair awne people be thair awin law, and to use the executioun and punischement within the boundis of thair awin jurisdictioun, nochtwithstanding the offence be commitit within the nychtbour cuntrey.

ANSWER : In all attemptis commitit be Scottismen in Scotland that the Commissioneris proceid according to the Scottis lawis, and for attemptis commitit be Scottismen in England, or be Englishmen in Scotland, that the Commissioneris aggrie with thair oppositeis upoun the forme of thair proceiding in sic attemptis ; and, in cais they can not agree, that they mak overturis heirupoun and reporte the same to the Counsale.

QUESTIOUN : That, seing the speciall ground of this commissioun direct to us is for ordoure-taking with bygane bloodis and enormiteis, alswele of auld as of lait, betuix Englishe and Scottis, and utherwyse amangis our awin Bordour people, setling of all feidis and interteyneing of his Majesteis commoun peace, it will pleis your Lordshipis gif us your best advise and determinatioun how to proceid in setling of the said bloode and feidis in maist dew and convenient forme.

ANSWER : The Lordis ordanis the Commissionairis to proceid anent this article in sic forme and maner as they sall think maist expedient for the weill and quiet of the cuntrey.

QUESTIOUN : That it will pleis your Lordshipis, quhen we travill in materis of assuirance betuix pairteis before they can be brocht to ane perfyte reconsiliatioun, gif his Majesteis frie leig object horning for outhir civile or criminall caus aganis his pairtie quhome he is preist to assuir with, to lat us be certifeit be your Lordshipis determinatioun quhidder lauchfullie we may, and gif it be expedient we sall, compell his Majesteis lauchfull leig to assuir frome all violent and unlauchfull actioun aganis the rebellis for intertening of peace and gude ordour, allowing and

Fol. 16, a.

assisting him utherwyse to seik the ordinair course of justice for redresse, or gif the qualificatioun of rebellioun salbe ane lauchfull stop to us.

ANSWER : That the Commissionairis tak assuirance betuix all pairteis standing undir feid in cais horning be not producit for that same caus criminall quhilk is the caus of the feid ; and in materis of auld feidis and

Anent the procedure of the Commissioners for the late Marches in the execution of their office.

bloodis the Lordis remittis the consideratioun thairof to the Commissionairis thameselffis.

QUESTIOUN: Since all justice courtis, baith be Actis of the Majestie and Parliament, hes thair course of proceiding upoun fourty dayis wairning, in materis of blood in criminall dittayis mair summair proceidingis being reservit to the Grite Justice and his deputtis, that it will pleis your Lordshipis to informe and resolve us quhidder in this our commissioun we aucht, may, or sould proceid with that continewatioun, or utherwyse summarlie proceid upoun fyftene dayis wairning in materis of recent bloode quhenas the committair can not be apprehendit.

ANSWER: The Lordis ordanis the Commissionairis to proceid in the particulairis of the article abonewritten upoun fyftene dayis wairning.

QUESTIOUN: In respect of the commissioun quhairwith we ar imployit doith represent that same authorite and commissioun heirtofoir bestowit upoun lieutennentis and wairdanis quhenas thair boundis wer Bordouris and Marchis, quho wer alwyse assisted, alswele for advise, geving informatioun of dittayis, and ouersightis committit, as geving of terrour to lymmairis and help to the furtherance of his Majesteis service, with the baronis and gentilmen of the cuntrey, that it will pleis your Lordships heirfore to consider quhat help in that behalff your Lordshipis will appoint us to have, alswele in our meitingis generall quhairin both Englishe and Scotis meitis as in our particulair courtis within the boundis of the Scottis jurisdictioun, and quhidder your Lordshipis will appoint generall proclamationis to that effect in our favouris, remitting the particulair choise of personis be missives to our directioun, or utherwyse that your Lordshipis will direct particulair missives as your Lordshipis will require, interponing your Lordshipis authoritie to sic as your Lordshipis thinkis maist convenient and fitt for the purpois, and meitest for the advancement of his Majesteis service and furtherance of the cuntreyis weill. Fol. 16, b.

ANSWER: The Lordis ordanis that the Commissionairis have the lyke proclamationis for concurrence and assistance to be gevin to thame as hes bene grantit to lieutennentis and wairdanis heirtofoir."

Westminster, 14th March 1605. Conjunct Commission of Justiciary to certain Englishmen and Scotsmen over the bounds of the late English and Scottish Marches.

Although, by the union of the kingdoms of England and Scotland under one imperial crown, "the lawis or usage of the lait Marches or Bordouris, instituted or tollerated quhill thay stude separate and devydit under severall kingis, for the peace and tranquillitie thairof, ar utterlie frustrated and expyred," yet "many of both nationis duelling neir the Bordouris or lait Marcheis (of such force is custome) do continew thair former godles, lawles, and disordered course of lyffe." His Majesty has therefore thought good, "alsweill to remove all occasioun of strangenes and mark of divisioun betuix the saidis nationis as alsua to tak away all subterfuge and quench all the spark of ony hope of escape frome punischment in such as sall offend," to join in one commission the following persons for establishing peace in those parts:

The Borders, 1603–1643.
Fol. 17 a.

to wit, Sir William Selbie, Sir Robert Dullabell, Sir Wilfred Lawsoun, Sir William Seytoun, and Sir William Home, knights, Joseph Peningtoun, Eduard Gray of Morpett, Patrik Chirnesyde of East Nisbit, Robert Charteris of Aymisfeild, and Jedeon Murray of Elibank, esquires. They are to have full power to convene when, where, and as oft as they, or any six of them, shall think fit, and consult how peace may be established in the countries of Northumberland, Westmureland, and Cumberland, and in the shires or parishes of Norhame, the Holy Island, and Dedlingtoun, parcel of the county palatine of Durhame, and in the shires and towns of Berwick, Roxburgh, Selkirk, Peblis, Drumfreis, and in the stewartries of Kirkcudbrycht and Annerdaill, and by what means murders, felonies, riots, routs, unlawful assemblies and disorders may be prevented within the same and offenders punished. There is order also to charge the sheriffs
Fol. 17, b.
within the said counties and bounds to assist the Commissioners when required in all matters appertaining to their office. The commission to be passed under the great seals of England and Scotland.

Commission of Justiciary over the late Marches.

Carlisle, 9th April 1605. Ordinances made by the foresaid Conjunct Commissioners of the late English and Scottish Border for the better execution of their office.

"*Imprimis:* It is agred by his Majesteis Commissioneris that Sir Wilfrid Lawsoun, knycht, salbe convener of the rest of the said Commissioneris, according to the articlis conteyned in his Majesteis instructionis, and so to continew for the space of thrie monethis nixt comeing.

Item: It is agreid that concerning old feidis betwne the twa cuntreyis their salbe a generall assuirance.

Fol. 18, a.

Item: It is agreed that old feidis salbe put to agrement or ellis the pairteis offending to ly by yit (viz.), the Englischemen in Edinburgh and the Scottismen in Newcastell, untill they will agrie, and in the meantyme the pairteis to be bound to keepe the peace; and, for new feidis, that justice salbe executed upoun the offenderis according to the lawis reciprocally.

Item: It is agreed that, gif any Englisman stryk a Scottisman, or contrariwise a Scottisman stryk ane Englischeman, without weapon, the pairtie offending salbe commitit to the nixt gaole, thair to remane for thrie dayes without baile; and, gif the said pairteis sall stryk with any wappon, then to ley thame in gaole for 20 dayes without baile; and, gif that the pairtie be hurt, then he sall not be delivered at the 20 dayes end untill he mak sutch further satisfactioun to the pairtie hurt as the Commisssioneris that committed him sall think fitt; bot, gif the hurt fall out to be a maymeing or mutilatioun, that then the pairtie offending sall not be delivered efter the 20 dayes imprisonement untill he performe the order of twa of his Majesties said Commissioneris for satisfactioun of the pairtie maymed; and, gif death follow, then the offender to ressave his punischement according to his Majesteis lawis reciprocally.

Item: It is aggred that, gif any Englischemen steill in Scotland, or a Scotisman steill in England, any guids or chattels amounting to the valew of 12d., he salbe punisched by death, and that all accessaries to sutche fellonyis, viz. outputting and recetting, sall lykewyse suffer death for the same.

Ordinances by the Commissioners for the late Marches for the better execution of their office.

Item: It is aggreit that proclamatioun salbe maid that all inhabitantis within Tindaill and Riddesdale in Northumberland, Bewcasteldale, Williabey, the north pairt of Gilsland, Esk and Levin in Cumberland, Eist and West Tividale, Liddesdaill, Eshdaill, Ewsdale and Annerdale in Scotland, saveing noblemen and gentilmen unsuspectit of fellony or thift and not being of brokin clannis, and thair houshold servandis duelling within those severall before recited placeis, sall put away all airmour and weaponis, alswele offensive as diffensive, as jakis, speiris, lanceis, swordis, daigeris, steilcappis, hacquebuttis, pistolletis, plaitslevis, and sutche lyke, before the 20 Maii nixt, undir the pane of confiscatioun of the same and imprisonement during his Majesteis pleasour, and that efter the said 20 day of Maii they sall not keip ony horse, gelding, or meir above the valew of fyftie schillingis stirling and threttie pund Scottis, upoun lyke pane and imprisonment. The Borders, 1603–1643.

Item: That proclamatioun be maid that nane, of quhat calling soevir, within the cuntreyis laitlie called the Borderis of ather of the kingdomes, sall weare, carry, or beir any pistolletis, hacquebuttis, or gunes of any sort bot in his Majesteis service, upoun pane of imprisonement during his Majesteis pleasour, and further punischement according to the lawis of athir kingdome. Fol. 18, b.

Item: That proclamatioun be maid that all lairdis, lordis, or officers within the boundis above conteyned sall, at the first sessionis, goale deliverie, or generall meiting of the said Commissioneris to be hauldin within the severall boundis, ethir English or Scottish, come to the said justice courtis providit to gif up in writting a speciall accompt upoun thair othis of the nomber, quantite, qualitie, and names of all thair tennentis or inhabitantis within thair severall officeis, and thair sonnes dwelling with theme or undir theme, and in quhat maner, forme, or trade of lyf they leve or mantene themeselffis, that sutche may be knawin which are not able to manteyne themeselffis but by evill purchase; quhairby they may be athir punisched or utherwyse providit for as the said Commissionairis sall think meit and convenient.

Item: It is ordened that the billis of complaint which ar to be exhibited to the said Commissioneris salbe orderlie placed, viz. as the offence wes done, according to the tyme, and those which war laitest done to be first hard, and so orderlie to be ready as they salbe called for.

Item: It is ordered that proclamatioun salbe maid that, gif ony persone or personis do resset the guidis of any outlaw, he salbe in the lyke case and undirgo the same punischement as gif he did resset the outlaw himselff."

In the matter of the same Conjunct Commission.

The said Commissioners, "intending not onlie to punische and ruit out all malefactouris for the present bot to continew a seveir course of justice by fitt ministeris for the perpetuall preservatioun of theise cuntreyis in peace and justice," charge all persons who have cause of complaint against any for murder, burglaries, felonies, or misdemeanours, or any that have compounded for such offences for friendship, money, or other Fol. 19, a.

The Borders, 1603–1643.

respect, to send in information to the said Commissioners, so that they may receive justice.

Farther, for the better execution of this service, his Majesty has appointed Sir Henry Leigh and Sir William Cranstoun to be commanders of the King's horse-garrisons in the said parts.

Fol. 19, b.

Order for proclamation prohibiting all within the shires of Roxburgh and Selkirk and bounds of Liddisdaill, and all others, to continue their custom of "yeirlie spoyle" upon the fells of Cheviot. (See the proclamation *ante*, pp. 41—42.)

Greenwich, 19th April 1605. Against hunting in Cheviot.

Fol. 20, a

QUESTION: How to meet the great inconvenience to the Commissioners arising from want of a sufficient clerk for formalising their actions and keeping a register of the same and of a reasonable allowance to a qualified man for such office, and also from want of officers of court, such as sergeants, dempsters, &c.

ANSWER: The Lords will advise with the King's officers anent this article.

QUESTION: Through the whole of the Marches, except in Dumfreis, there is neither jail nor prison house sufficient to keep persons "to be detenit for thair punischment"; and, farther, as in most cases "the lymmaris hes no moyane of thair awne,—as the maist pairt of thevis ar very beggaris, unhable (except be thair unlawfull schift, quhilk is evir spent as it is gottin) to sustene thameselffis in prisone,"—and, as every burgh refuses "to ressave thame without cautioun for thair intertenyment," it is "nawayes ressonable ather the commander of our garysoun nor we salbe comptable for thair extraordinar chairges." What is to be done in this matter?

ANSWER: The Commissioners to deliver the malefactors to the burghs within their bounds, who shall be answerable for their sure keeping, in respect of an Act of Parliament ordaining sufficient gaols and wardhouses to be built in every burgh within three years at the expense of the burgh (1597, c. 44, iv. p. 141); and, as the malefactors cannot support themselves, the Commissioners are to administer justice to them as soon as possible, so that the burghs be not long burdened with keeping them.

QUESTION: The feud between Maxwell and Johnestoun is no "small latt to the service," first because of "the Johnestones unsure repair to Drumfreis without eminent perrell" in consequence of the "commoun malice borne in that place to the haill name," and next because there is "ane great difficultie to mak certane of the broknest of the Johnestones ansuerable: thair cheif refusing to be comptable for thame in respect of thair duelling under severall lordis and maisteris," and such masters also refusing to answer because of their partaking in the feud with their chief; so that the said broken Johnestones are "castin in our handis, to be tane ordour with be the commander of our garysoun, quha with sa few a nowmer can not undertak every thing."

ANSWER: The Lords appoint the burgh of Peblis for the compearance of the Johnstones in all their causes before the Commissioners, and find

Edinburgh, 21st May 1605. Certain Questions proponed to the Council by the Commissioners of the late Marches, with Answers of the Council thereto.

Questions by the Commissioners for the late Marches, with the Council's Answers thereto.

that Johnestoun should answer for all the Johnestones that "dippit with him in the feud," albeit they dwell on other men's lands.

QUESTION: The spoils committed against the Maxwellis and Johnestones by the principals and followers of both parties *hinc inde* have been so great that even their whole heritage, not to speak of moveables only, will scarcely be able to recompense the loss if they be bound "bot to simple restitution." How shall the Commissioners proceed herein? Fol. 20, b.

ANSWER: Do justice herein according to law.

QUESTION: There is great difficulty in finding "ane sufficient and unsuspect inqueist" for trial of accused persons of either party within 20 miles of their dwelling or of the place of their alleged misdemeanours, inasmuch as all within the said bounds partake in the feud, and so will either "clenge be all appearance the pairtie never so guiltie for favour, or utherwayis be justlie sett as arte and partakker of the feid."

ANSWER: The Commissioners are to find "ane assyse of the freest men of the cuntrey," and "to repell and admitt the exceptioun of the feid as thay find the pairttaking in the feid qualefeit."

QUESTION: The "natour of auld feids" is of two sorts. And, first, as to "the ane of that qualitie that the haill pairteis committaris of blude and slauchter *hinc inde* ar depairtit this lyffe, yit the grudge remaning amang the pairteis posteritie unreconceillit. *In hoc genere quomodo procedendum?* quhidder with the band of keping of his Majesteis commoun peace, or forceing thame to subject thameselffis to arbitrement for reconsiliatioun?"

ANSWER: The Commissioners to deal with this matter as they think most meet for the peace of the country.

QUESTION: A second sort is when "some of ather, or at leist of the ane, pairtie ar yit on lyffe quha hes bene art, pairt, or actuall doaris in the auld feid,—some possible cled with remissioun and utheris without the same. In these auld caussis, first, *utrum par erit ratio utriusque necne?* nixt, gif with thame we sall proceid lykwayis to enforce agreance, or utherwayis content ourselffis with the band of his Majesteis commoun peace?"

ANSWER: The Lords think that in old feuds of this nature the Commissioners should charge the parties with the band of the general peace.

QUESTION: "Is new feidis consavit alwayis of that natour to be befoir the devolutioun of baith the crownes in his Majesteis maist royall persone? Becaus since the same we understand na proceding in blude bot by justice:—First, quhidder in these anteriour to his Majesteis receptioun of baith the crownes we sall preceid with justice quhair thair is na remissioun, or, efter the inforceing baith the pairteis to his Majesteis commoun peace, we sall proceid causing submissioun of arbitrement be maid, thocht unsüittit be ony of the pairteis, or nocht? Nixt, quhen slauchter and blude haveing bene reciprok in some degree all alyke, the ane pairtie being cled with remissioun by favour and the uther wanting the same, or the ane committing the blude under cullour of law and the Fol. 21, a.

The Borders, 1603–1643.

uther without the same, quhat salbe our respect thairin? Last, quhair the pairtie offendit being willing to ressave satisfactioun and craving the same, gif we may compell the pairty offendar to offer and do ressoun?" Questions by the Commissioners for the late Marches, with the Council's Answers thereto.

ANSWER: Where no remission is produced, the Commissioners to do justice according to their commission; where there is remission, they shall take caution of the criminals to satisfy the party offended; and, where the party craves satisfaction, the Commissioners shall cause the offenders to find caution for satisfaction and see that all be bound to keep the common peace.

QUESTION: "Quhenas ony or baith pairteis ar minoris, gif not principallis of ane hous or clan, gif we may compell the cheiff to tak burding for the minor, thocht bot ane branche of his hous, and bind for the commoun peace till the barnis majoritie; and, gif the minor be principall, quhen his nerest of kin ar not responsall, thocht we may compell thame to find cautioun for thameselffis, quha sall tak burdyne for the haill kin and freindis and bind for thame?"

ANSWER: Those answerable for the minors shall be burdened for them; and, if the chief has been a party to the feud, he shall be burdened; but, if he renounced the feid, he and the rest of his kin shall be bound only to observe the common peace.

QUESTION: "Quhen ony man is attechit befoir us for satisfactioun of commoun ordour, or speciallie quhen noblemen or men of gude rank ar atechit aither for thameselffis, thair kin, freindis, or dependaris, to bind to the commoun peace or produce offendaris for whilk thay aucht to be comptable, gif at thair comperance ony pairtie that hes letters of captioun upoun thame for civile actionis doeth intervene and chairge us to retene thame in his Majesteis wairde, or chairge the commandar of our garysoun
Fol. 21, b. to tak and apprehend thame, quhidder for the commoun service caus may we lawfullie misken the chairge without perrell, or sall we be bund upoun the commoun perrell to detene the offendaris and sua stope the service of skarring of all utheris in lyke cais; and quhidder the commander of our garysoun may be lauchfullie chairgit to apprehend men for civile actionis and sua be withdrawne fra his ordinar service, or by refusall thairof gif he be free of offence: craving it will pleis your Lordshipis, in this article, gif ye may resolve ony thing in our favour, ye will delyver the same be ane Act of Counsale, because utherwayis baith we and the commander of our garysoun mycht fall under the danger of the law."

ANSWER: "The Lordis declaris that the Commissionaris and Capitane of thair gariesoun ar onlie bund to apprehend and waird personis in actionis concerning thair awne judicatorie, and na utherwayis."

QUESTION: "In questions of oppressioun amang pairteis for possessioun of landis quhairof baith do pretend to bruik by severall rychtis, nather of thair possessionis haveing procedit upoun ordinar or judiciall decreittis, bot the ane possible by corruptioun of the bigane tyme, yit never lauchfullie put fra the same, and being ejectit not curious to seik the ordinar course, bot be force intruding himselff agane,—the matter comeing befoir

Questions by the Commissioners for the late Marches, with the Council's Answers thereto.

us be way of oppressioun be ony of the pairteis or baith, quhat salbe our respect thairin, *et cujus potior erit conditio possessionis?*"

ANSWER: "The Lordis understandis that the judgement of this article apperteneth to the Counsall."

QUESTION: "In matteris of auld thiftis betuix the Commissionaris sitting that last wer appointit at Berwick and Carlile till his Majesteis entrie in England, and betuix England and Scotland, *quo jure procedendum?* quhidder by dowble sauffer or be single? and in Scotland amang Scottismen quhidder by justice and executioun or restitutioun? And, whair we proceid in executioun of any, quhidder the haill escheit sall appertene to the King, or gif the pairte persewar salbe satisfeit of his principall for quhilk the thevis ar fyllit or nocht? And gif the stouthis, spoillis, and oppressionis committit be Scottismen upoun Scottismen during the tyme callit the 'busy week,' efter the Quenis decese and befoir the Kingis entrie in England, salbe punischit by justice or restitutioun?"

ANSWER: "That the Commissionaris proceid in redres and punischeing of thir attemptis according to the forme and ordour observit the tyme of the committing of the attempt; and, quhair executioun is used, the Lordis declaris that the escheit apperteneth to the King. Anent the attemptis committit in the 'busy week,' that restitutioun be ressavit quhair the pairtie is able to mak it, and, quhair restitutioun can not be maid, that justice be ministrat."

QUESTION: "*Item*, ane Englische outlaw slane be ane Scottisman in Scotland byding tryall of lait in Scotland, quhidder he may be fred be the defence of the Scottis law, quhairin the Kingis outlawis slauchter is impute to na cryme, or be subject to justice in respect the Englische law grantis no libertie to slay ane Englischman, how fer so ever he be in danger of the law, except be justice?" Fol. 22, a.

ANSWER: "The Lordis will not alter the Scottis law in the matter."

QUESTION: "Ane Scottisman haveing gevin ane Englischman band be wrett for restitutioun and payment of certane debt, and great pairt thairof payit, and the band recoverit by the quhilk the principall and his bandismen wer bund, thocht na lauchfull dischairge obtenit, the pairteis interest, quha wanting thair just debt persewis off new befoir us for the same, [and] the debtour clethis himselff with the satisfactioun of his band and resett thairof. *Queritur*, gif he be *jure* fred *necne?*"

ANSWER: "The Lordis thinkis that the pairtie haveand enteres sould persew for his band as accordis of the law."

Edinburgh, 21st May 1605. Report by the Commissioners of their proceedings hitherto for the suppression of crime on the Borders.

Sir Patrik Chirnesyde of Nisbit and Sir Williame Seytoun of Kyllismure, two of the commissioners appointed by his Majesty over the late Borders, appear before the Council and report their proceedings in that matter as follows:—They met the English commissioners at Carlile on 8th April, when, after having elected Sir Wilfred Lawsoun their common convener for the next three months, and published their instructions and also certain articles made by them for "suppressing of misordouris" on the Borders,

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they took order with the Grhames for making them answerable to the laws, "electit ane hundreth and fyftie of thair names," according to his Majesty's direction, and sent the same to the King and Council. They then appointed next meeting of the Commission to be held at Berwick on 29th instant.—All the Commissioners repaired on 15th April to Drumfreis, where a limmer taken from the prison of Carlile was executed for his innumerable thefts, and also for the murder of Sir Johne Carmichaell (see *ante*, vol. vi. p. 128). The Scottish commissioners then cognosced with regard to the places where the "worst and maist debosheit sort in these pairtis" dwell, took caution for their conduct of as many of their masters as possible, granted authority to Sir Johne Charteris of Amisfeild to take order with certain deadly feuds given to him in roll, and left direction with him to take cognition from the landlords within these bounds of the number of able men sustained therein and how their tenants were able to maintain so many within their households; "and, quhair ony superchairge wer fund beyond the abilitie of the rowme to sustene the personis lauchfullie," a roll was ordered to be made of their names, so that they might be compelled to betake themselves to some "lauchfull and sattelit trade, or then that thay may be send furth of the cuntrey to some forreyne service or imployit in some of his Majesteis ather be sey or land." Lastly, the Commissioners made a proclamation against "all vagaboundis that had no lauchfull nor certane trade, and speciallie of that sorte callit Egiptianes, with certificatioun that quhaever ressavit thame within thair boundis (becaus thair hant wes ordinarlie grit in these boundis) sould not onlie be thocht culpable of thair stouthis, bot farther comptable for quhatsomever could be provin wanting in ony of the boundis adjacent thairto during the tyme of thair ressait and xxiiii houris befoir the same, and als lang efter thair depairtour thairfra, by and attour the punischment of the ressettaris bodyis and fynning of thame in thair guidis and geir, according to thair estate and moyane."—On 22nd April the Commissioners came to Jedburgh, where they fenced a justice court, "patt in forme this Act of keping of his Majesteis peace according as the same is heir to be producit befoir your Lordships," and took order with a number of feuds there, as also in the matter between the Earl of Home and the Laird of Blacader. As the gentlemen of the Mers thought a court held among themselves would be best for advancing the King's service, the Commissioners proclaimed a justice court at Dunce about the middle of June.

Report by the Commissioners for the late Marches of their proceedings.

Fol. 22, b.

Fol. 23, a.

As the Commissioners over the late Marches will often have occasion to commit to ward such persons as disobey their commands, the Lords of Council ordain the captains of his Majesty's Castles and the magistrates of burghs to receive in their wards such persons as shall be sent to them by the said Commissioners, and to keep them there at their own expenses till they be lawfully freed.

Act for the warding of malefactors on the Borders.

The Lords ordain that from Martinmas next each of the said

Edinburgh, 25th July 1605. Salaries of Commissioners over the Marches.

Commissioners shall have 1200 merks yearly during the time of his commission, to be paid by the Comptroller in equal portions at Whitsunday and Martinmas.—Accordingly the Lords on 26th November commanded David, Lord of Scone, Comptroller, to pay to each of the said Commissioners 600 merks as the Martinmas term's portion of their said salaries, and so on yearly while their commission lasts. Fol. 23, b.

Edinburgh, 26th Nov. 1605. Warrant for extending the powers of the Commissioners of the Marches and for imposing fines for breaches of the peace.

The privilege of justiciary having been granted only to any three or more of the Commissioners appointed for the late Borders, such persons as are declared fugitives and outlaws "takis the occasioun to continew in evill doing, becaus the saidis Commissionaris can not convene at all tymes togidder" to pursue the said malefactors. Power is therefore given to any one of the said Commissioners to apprehend the fugitives as freely as if three of them were convened. Farther, the breach of the King's peace being "very frequent and commoun ouer all the pairtis of the late Bordouris" because no other punishment than warding has been used against "the brekaris of the peace be fichting and tuilyeing," power is given to the Commissioners to inflict fines for such breaches of the King's peace, the fine to be proportionate to the quality of the offender and the nature of the offence. Power is also given to the Commissioners to receive the whole penalties falling by the execution of this commission and to account therefor in the Exchequer, "quhairin thay sal have allowance of thair debursementis in the necessar effairis of the service."

Edinburgh, 2nd Jan. 1606. Certain Articles proponed by the Commissioners of the late Borders to the Lords of Secret Council for their opinion, with Answers thereto.

"The quhilk day comperit personallie Sir William Seytoun, Sir William Home, and Sir Jedeon Murray, commissionaris ouer the late Bordouris, and gaif in the articlis underwrittin, desyring the Lordis of Secrete Counsallis ansuer and opinioun thairanent: of the quhilk articlis and ansueris maid thairto the tennour followis:—

It may pleis your Lordships: Whereas in our instructionis ressavit frome his Majestie we ar appointit to have speciall regaird to new thiftis, understude committit since his Majesteis happy entrie in England, and Fol. 24, a. trespassis being in thair awne tyme to be considerit upoun be restitutioun; in respect quhairof being verie strait, according to our ordinance, evin upoun the smallest thiftis and presumptionis of the same. Attour, last being in Peblis, we have convict sax of capitall crymes according to the straitnes of our procedingis: tua quhairoff, being moir notorious in thair new factis, we have examplarlie puneist with lyffe,—haveing reservit four yit in prisone uncondampnit, to understand your Lordshipis determinatioun concerning thame, upoun considerationn of the natour of thair crymes and utheris ressonis moveing us to continew geving furth of sentence and dome against thame. First, ane Androw Scott, callit Braidis Androw, of auld, befoir his Majesteis happy entrie in England, ane commoun rydar in England and accomptit as ane theiff in these dayis at hame, bot of late na dittay against him, saulff allanerlie the ressett of ane stollin naig frome a suster sone of his immediatlie efter the stouth, and thairupoun convict, continewit at the ernest sute of the

'he Borders, 603–1643.

Lairdis of Johnestoun and young Buccleuch, with sindry utheris of the name of Scott, upoun particular promissis of grit offices in the advancement of this our service, and the presenting of sum to justice mair notorious and gritter present actouris, gif his lyffe mycht be sparit.

Articles proponed by the Commissioners of the late Borders, with the Council's Answers thereto.

Ansuer: The Lordis of Secrete Counsall ordanis the Commissioneris to execute justice upoun the said Androw Scott, callit Braidis Androw.

Article: Ane uther, callit Jokie Betie *alias* Jokie of the Scheillis of Eskdaill, under my Lord Maxwell, ane lymmar of auld, bot without all accusatioun sen his Majesteis happy entrie, saulf allanerlie of three or four scheip and als mony gayte, acquyte be commoun consent of the assyse of the scheip, convict be the maist pairt of the gaytt allanerlie,—continewit, in respect we could have na executioun upoun Johnestoun or Scott, and being the Lord Maxwellis man, haveing ressavit his Lordshipis lettir that his men of Eskdaill, and this man speciallie, sould have biddin tryall at thair ordinarie place in Drumfreis. And, since utherwayes we had procedit aganis him in that place, we supersedit executioun, als weill for the meanenes of the cryme as to avoyd all suspitioun of partialitie against his Lordshipis men,—utheris presumed als great faltouris ather acquett be inquest or continewit be requeist.

Ansuer: The Lordis ordanis the Commissionaris to do justice upoun this Jokie Betie.

Article: Ane uther, callit Thome Armestrang, ane proper young man, quhometo nather new nor auld thift have bene knawne heirtofoir, bot verie suspitious for not being sattillit to ony gude calling,—dilaittit for arte and pairt of the steilling of ane horse, and convict be ane assyse for the same, and be chance upoun the morne efter the convictioun he quha wes awner of the said horse cuming to Pebles sayd that, althocht Thome Armestrang wes universallie presumed to have bene art and pairt of the steilling of his horse, that be his knawlege he understude he had nather gilt in the steilling nor pairt in the said horse: continewit upoun presumptioun of his innocencie, being lykwayis the Lord Maxwellis man in Eskdaill.

'ol. 24, b.

Ansuer: The Lordis ordanis the Commissionaris to do justice upoun this Thome Armestrang.

Article: Ane callit Richie Ellott of the Heuchous, indytit allanerlie for the stouth of ane scheip and convict of the same without farder, ather new or auld, layed to his chairge, continewit in respect of the meannes of the cryme, nochtwithstanding our ordinances beiris new stouth to be punneist to the death passing the availl of tuelf penneis sterling.

Ansuer: The Lordis ordanis the Commissionaris to keip thair awne act in this matter.

Article: It will pleis your Lordshipis have consideratioun of our garysoun and the commander of the same, quho ar daylie and nychtlie troublit in searcheing and suppressing of lymmaris, als weill for thair tryall and punischment at hand as for thair delyverie to our brethrene and fellow-commissioneris in England to abyde thair the tryall according to thair merite upoun allegit committit offenssis in that cuntrey, and yit

Articles proponed by the Commissioners of the late Borders, with the Council's Answers thereto.

resting alwayes sen the begynning of this service ane moneth still behind the hand: quhilk, quhenas the cumpany can not spair the same in ony sort, the commander, Sir William Cranstoun, is enforced, upoun his awne proper meanis, to advance alwayis ane moneth,—quhairthrow he restis over mair [than?] ellevin hundreth pundis ingadgit, and at the repayment the cusstomeris lycht gould and slycht money is raknit sufficient payment for lycht horsemen.

ANSUER: The Lordis of Secrete Counsall commandis and ordanis his Majesteis Comptrollar to mak payment to the Capitane of the said garysoun his ordinar allowance monethlie, and that every monethis pay salbe thankfullie payit within the moneth: lyke as his Majesteis Comptrollar, being present for the tyme, promittit faithfullie to do the same.

ARTICLE: That it will pleis your Lordshipis sua to intreat by your authoritie the Lord Comptrollar his deputtis and custumaris that the Capitane of thair garysoun may have his advancit moneth, and that he may be als thankfullie used in his payment as the merite of his panes and travellis and his cumpany deservis, sua lang as it is his Majesteis and your Lordshipis will to continew him in the service.

ANSUER: The Lordis ordanis that, quhenever the Capitane salbe dischairgit of his service, that he salbe thankfullie payit of all that salbe awand to him preceding the dischairge of his service. Fol. 25, a.

ARTICLE: And, as concerning our awne particularis, in that it hes plesit his Majestie to appoint for our releiff in sum degree of our chairges, quhilk we find, sic as ar daylie upoun the service, verie exorbitant, if your Lordshipis can esteme it gud using that in nyne monethis service, quhilk is sen the xv day of Marche, we have never as yit gotten bot ane termes payment, and that of the meanest allowance. In quhilk forme of proceding, being sua hardly usit in the entrie of the service and heatt of the same, quhither we have it grittumlie to feir and doubt that, quhen it sall pleis his Majestie and your Lordshipis to put ane end to our service, we salbe left with the latter hand, and, notwithstanding all our travellis, trouble of our bodyis, disapointment of our litle particularis at hame, and acquyring of offence, malice, and indignatioun of dyvers personis of credite, we sall find ane cauld sute of our hindmest terme, we leif it unto your Lordshipis consideratioun: intreatting lykwayis it may pleis your Lordshipis to tak sic ordour that we may have our small allowance thankfullie and dewlie payit. Lyke as we will protest for no favour gif ony oversicht can be espyed in our procedingis: houping your Lordshipis will think it verie ressonable that we have sum help in our ordinar burding, according to his Majesteis and your Lordshipis appointment, for our willingnes and affectioun to his Majesteis service, sen sendle it fallis furth that sic far imploymentis ar thocht worthy greate recompense, how troublesome so ever the service be.

ANSUER: The Lordis of Secrete Counsall declaris, statutis, and ordanis that, quhat tyme it sal happin the Kingis Majestie to dischairge the Commissioneris of thair service, that thankfull payment salbe maid to

he Borders, 303–1643.

thame of thair allowance and ordinary pay of all yeiris and termes that salbe addebtit unto thame preceding the dischairge of thair service and commissioun."

Edinburgh, 17th May 1606.

"The quhilk day in presence of the Lordis of Secret Counsaill compeirit personalie the Commissioneris over the lait Marcheis and maid thair reporte of thair procedingis as followis :—

Report by the Commissioners over the late Marches of their proceedings in that service.

As to the particulair rekning of oure procedingis every three monethis at furthest frome tyme to tyme, according to the tennour of oure instructionis, we have acquentit youre Lordshipis preceding Februar last in generall. What hes bene done be us sen our acceptatioun of the same the xv day of Marche 1605 till this hour your Lordships sall pleis ressave.

ol. 25, b.

At divers meitingis within the boundis of our commissioun heir in Scotland allanerlie, by and attour all sick as we had with our nychtbour Commissioneris and particulair delyvereis maid unto thame, we haif execute be watter and gallous the nomber of xxxii personis.

We have banished the nomber of fyftene, who ar bound to depairt the cuntrey without his Majesteis particulair favour with the consent ather of your Lordshipis of Secreit Counsaill, or sic as sall have our place in commissioun, under the pane of death, be conditioun voluntair, accepting thair returne for capitall cryme yff it sal happin without licence in maner foirsaid, with forder cautioun every one under the pane of fyve hundreth merkis of pecuniall penaltie to his Majestie in cais of thair not depairtour or returne utherwayes then is abone contenit.

Sick as have bene complenit upoun be new dittayis and hes not bene ansuerable to oure courtis, we haif declairit thame to be fugitives and ordanit thame be all his Majesteis goode sujectis to be accomptit as rebellis and outlawis ; whose nomber is not small, being abone sevin scoir, as the rollis will testifie.

Quhilk nomber of fugitives being sua great,—who ar not ansuerable to hes Majesteis lawis, or at least that hes not gevin thair appeirance upoun plantives citatioun,—that nouther oversycht nor ignorance mycht be pretendit, the ane to oure blame or the uther to thair excuse, we haif ordanit proclamationis to be maid at the mercat croceis and paroche kirkis within the boundis of oure commissioun, beiring the tennour of ane act in favouris of all sick as, nochtwithstanding declairit oure proclamed fugitives, will pretend unlauchfull citatioun or ony other lauchfull excuis, being able and willing to abyde the tryall of his Majesteis lawis, and befoir Lambmes will come and bring sufficient cautioun for thair obedyence, that in that cais the fugitive roll sould not be layed unto thair charge, as at mair lenth in the said act is contenit.

And, haveing considderit that this great nomber of fugitives procedis upoun the malice and contempt of thair ressettaris, who indirectlie fosteris and mantenis thame in thair mishevous deidis and rebellioun, yff thay be not directlie pairttakaris with thame, aganis whome we haif maid ane act and proclamed the same, quhairof the tennour followis :—

Report by the Commissioners over the late Marches of their proceedings in that service.

Forsamekle as thair is certane personis convict of ressett of fugitives, rebellis, and notorious lymmaris: being ryplie advisit heirwith, ordanis the saidis personis, and all otheris that heirefter sal happin to be convict of the lyke ressett, to be imprisoned and remayne thairin for the space of fourty dayis, and forder induring the Commissioneris willis, and pay the soume of ane hundreth pundis, mair or les as salbe modifeit be the saidis Commissioneris, according to the qualitie of the persone and the cryme, for the first fault; and, in cais thay fall in the lyke, thay salbe gilty of the crymes for the whilkis the saidis thevis, fugitives, and lymmaris ar fugitive for, and salbe punisheit with all rigour: At Drumfreis the 10th of Aprile 1606. The Borders, 1603–1643. Fol. 26, a.

And, in respect some will pretend ignorance of the foirknaulege of the fugitives, and sua, being convict of thair ressett, will pretend malicious or unlauchfull proceding aganis thame,—for eshewing wherof and that nane may pretend excuse or subterfuge in that malicious procedour, in that behalff we haif, by and attour proclamationis maid at ordinair mercat croceis of thair haill names, forder ordanit thair haill names to be inrollit in divers copyis, appointing thame to be proclamed at twa or three severall mercat dayis at the croceis of every burgh within the boundis of our commissioun, with autentick copyis to be gevin to every toun clerk and shereff clerk within the saidis boundis; and forder ordanit every minister at his awne parroche kirk within the haill boundis of our commissioun tua or three severall Sondayis proclame the haill names of the saidis fugitives, declairing how unlauchfull it wes to ony that feirit God, or pretendit to be lauchfull subjectis to his Majestie, to ressett or manteyne sic as gaif nouther thair obedyence to God nor man, and levit upoun the bloode of the puir; declairing that, yff ony men particularlie craved, for the greatnes of the nomber, to be assuirit of thair names in cais thay sould come where thay had ado or myght be rekleslie challangeit for thame, that ather thay mycht of him or ony of the clerkis foirsaidis have autentik copyis of all the fugitive names yff thay list.

We haif under goode cautioun, of soumes according to thair pouer and availl, certane personis:—pairt acquite of some crymes befoir us; other some that ar not thocht to be of goode lyffe and aganis whome we haif great presumptionis, thocht not sufficient tryall of thair gilt; in some crymes whose cautionaris ar boundin to haif thame alwayes present at our courtis as thay salbe requirit, or upoun ane fyftene dayis wairning, at the atteichement of whatsomevir plantive. Fol. 26, b.

We haif bene very cairfull for the disarmeing of the brokin clannis, and in some pairtis Sir Williame Cranstoun hes acquite ane honnest dewytie. Bot thair is certane lattis upoun suspitioun of grudgeis, thoght the bloodis be utter shaw wald seame reconsiliat; whilk is ane great hinder in some pairtis to the haill service, bot specialie in that point.

We haif boundin to the commoun peace, according to the tennour of the Actis sett doun be your Lordshipis for auld and new feidis

The Borders, 1603–1643.

unreconsiliat as yit within the boundis of oure commissioun, sa mony as we could gett tryall of.

Report of the Commissioners over the late Marches of their proceedings in that service.

We haif componit for escheitis of some execute personis and intromettit with the same, as our compt beiris.

We haif, with some that wes cautionaris and convict in thair defalt and some for unlawis of courte, componit with thame, and tane band of otheris, all very responsall, to haif the soumes furthcomeand to the Thesaurair, as moir particularlie in our compt is proved.

We haif imployed upoun the necessiteis of the service officeris feis and otheris necessarie occasionis of debursmentis, according to our particulair compt, whilk is reddy to sick auditouris as your Lordshipis pleis appoint.

We crave your Lordshipis to appoint us ane day and auditouris to our comptis.

Followis the names of sic as hes found caution to pas af the cuntrey:—

Gawin Johnnestoun of Rigshaw.
Willie Irwing, callit Rosteis Willie.
Thome Armestrang of the Craig.
Davie Irwing of the Holme.
Thome Martyne.
Gib Ellott, callit Dandis Gib.
Willie Armestrang of Arkiltoun.
Johnne Irwing of Steilhill.
Robert Ellott of Glenvorane.
France Grahame, sone to Cristeis Watty.
Hob Ellott of Hill.
Johnne Ellott, callit Cristianis Johnne.
Willie Ellott, callit Greit Leyis.
Archie Scott of Glenrauchane.
Johnne Falayis.

Fol. 27, a.

The names of those who wer execute at Hawik, Peblis, Jedburgh, and Drumfreis:—

Will Harknes.
Williame Litill.
Eduard Johnnestoun.
Johnne Scott.
Thome Turnbull of Harectoun.
Andro Litill in Tailend.
Sym Glendoning.
Jok with the Ruffis.
Will Ellott, callit the Gyde.
Johnne Ellott in Hilend.
Will Olipheir of Barmkin.
Thome Litill, callit Jonnettis Thome.
Johnne Noble, callit the Grip.
George Patersoun in Moling.
Andro Armestrang, callit Collie.
Archie Crosar in Brighous, Cleuchheid.
Adie Armestrang of Quhytsgillis.
Williame Patersoun.
George Wallis, Inglishman.
Archie Milburne, callit Cowd Archie.
Davie Johnnestoun, callit Blewcloik.
Davie Johnnestoun, callit Chumpis Davie.
Hob Armestrang of the Benkis.
Johnne Sym in Crukhum.
Richie Ellott of Heuchhous.
Johnne Baty, callit Byd on him Jok.
Johnne Baty of the Scheill.
Johnne Gilchryist.
Sandie Armestrang, callit Robis Sandy, for Carmichaelis slauchter.
Jok Armestrang, servitor to Robert of Castelmilk.
Will Patersoun.
Jok Frissell."

Further instructions by the Council to the Commissioners over the late Marches.

"The Counsallis directioun gevin to the Commissionaris, to be followit oute be thame in the particulair heidis undirwrittin in tyme comeing.

Anent banisheit personis:—The Lordis of Secreit Counsaill ordanis the Commissioneris in all tyme comeing to crave the avise and opinioun of his Majesteis Counsaill in the banisheing of personis, to the effect the

Instructions to the Commissioners over the late Marches.

Counsaill may knaw the names and qualiteyis of the personis, and gif thay merite ony forder punishement nor banishement. The Borders, 1603–1643.

Anent the guidis and geir of fugitives:—The Lordis ordanis his Majesteis Thesaurair to direct officiaris for intromissioun and uplifting of thair geir, and ordanis the saidis officiaris to be assisted be the Capitane and company of the garisoun.

The Lordis ordanis the Commissionaris to gif up to his Majesteis Thesaurair or his depute the names of the ressettaris of the outlawis. Fol. 27, b.

The Lordis ordanis that na dome be gevin upoun the ressettaris of fugitives efter that he is callit and convict, and cautioun tane for his geir, quhill his Majesteis Thesaurair be acquented and the names of the cautioner gevin up to the Thesaurair.

Anent the attemptis committit in the busy oulk:—The Lordis ordanis redres to be maid for all cleir thiftis *hinc inde*, and quhair redres is maid na delyverie nor executioun to follow.

The Lordis nominatis and appointis Mr Johnne Prestoun of Fentounbarnis, collector, Sir Johnne Arnott, thesaurair depute, and Robert Arnott, comptroller depute, or ony twa of thame, to heir the Commissionaris comptis, and to conveyne and meit upoun Mononday come aucht dayis."

Edinburgh, 20th Nov. 1606. List of persons executed in the preceding month by the Commissioners of the Borders.

The Commissioners of the Borders appear before the Council and gave in the following roll of persons executed by them in October last:—

In Drumfreis and Annane, viz.—

Edward Johnstoun in Quais.
Davie Grahame, callit Chiptuirt.
Johne Irwinge in Gulielandis.
Francie Irving in Gratnahill.
Wat Irving in Kirkpatrik.
Wattye Neilsone in Gratnay.
Rob Moffett.
Johne Menzeis.
Alexander Johnstoun in Gubhill.
Edward Johnstoun, his brother.

In Jedburgh, viz.— Fol. 28, a.

Gavin Glendonyng.
Watt Batie of Midlaw.
Jamie Armestrange, sone to Jamie of Cannobye.
Andro Armestrange, bastard son to Will of Kynmont.
Geordie Schorislie, on Esk, Englishman.

Edinburgh, 11th Dec. 1606. Articles proponed to the landlords of the Marches for their advice anent the quieting of the Borders.

"The quhilk day a nomber of the baronis and gentilmen of the laite Marches of this kingdome being convenit befoir the Lordis of his Majesties Secrete [Council] for thair advise and opinioun to be gevin anent the quyatting of the saidis Marches, and suppressing of the nomber of fugitivis and outelawis, the articles underwreattin wer gevin and delyverit to the saidis baronis and gentilmen in wreatt,—quhairupoun thay wer ordanit to gif thair ovirturis and answeris in wreate upoun the auchtene of this instant.

1. Quhat sould be the occasioun of the great nomber of outelawis?
2. How thair nomber myght be diminischit and thair wrongis repressit?
3. How thair ressetteris and meanteynaris shal be tryit and puneist?
4. Quhat forder thay think neidfull to be done for repressing of reffe, spoilyie and peikrie in thay nookis of the countrey?

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5. Gif thay understand ony falt in his Majesteis officeris and commissionaris in the executioun of thair office."

"Ovirturis gevin in be the Baronis and Gentilmen upoun the Articles gevin to thame be the Counsaill.

Edinburgh, 18th Dec. 1606. Answers by the landlords on the Marches to the preceding Articles, with recommendations to the Council.

For answer to the first Article, anent the great nomber of the outelawis.—Appeirandlie the same proceidis upoun the gyltines of the outelawis, and partlie upoun the frequent ressettis thay haiffe in England, and in respect some of thame ar ressett in the in-countrey outwith the boundis of the commissioun, and lyikwise becaus thay have recourse to thair awne
Fol. 28, b. houssis, quhair thair wyffis and bairnis hes residence; and thairfoir the Baronis thinkis goode that the saidis houssis be dimoleischit, or ellis that the landislord remove the outlawis wyffes and bairnes furth of the same, and plant uther answerable tennentis thairintill.

For answer to the secund Article,—how the nomber of the outelawis may be diminischit and thair wrongis represt.—To cause the garrisone diligentlie searche thair personis, and to cause the ane halfe of the said garrisone remane in Teviotdaill and Liddisdaill and the uther halfe in Annanderdaill in the townes of Lochmaben or Annane, and to be reddie to serche and apprehend the saidis outlawis upoun the purpois or intelligence of ony of the saidis Baronis or Gentilman of the cuntrey, alsweill as upoun thair awin purpois and intelligence; and siclyik the haill Baronis to assist the garrisone quhen thay salbe requyrit.

For answer to the thrid Article,—how ressettaris and manteynaris of fugitives shalbe tryed and puneist.—To cause diligent inquisitioun be maid and dittay tane up thairupoun, and that justice courtis be haldin to that effect; and sic as beis convict to be puneist conforme to the lawis of the cuntrey.

For answer to the ferd Article,—for repressing of reffe, thift, and pykrie.—It is thought goode that the Commissionaris haiff power, upoun ony trew manis complaint for stouth, reffe and pykrie, to tak tryall upoun ane trew manis complaint, and, gif the same complaint beis tryed, to puneis the malefactour and mak redres to the compliner of his guidis and saw silver; for be this doing men wilbe cairfull to speir thair geir, and the Kingis Majestie shall have greater commoditie be the nomber of escheatis that shall fall. And, as experience hes tryit in tymes past, sic personis as shal happin to be upoun assyissis will mair frielie fyle ane theiffe upoun ane trew manis persute and swering his dittay nor utherwise quhen the dittay is not sworne.

And forder the Commissionaris and Baronis hes thought goode that ryperis shalbe appointit in every parochin to rype for stowin goodis; and, in caice the saidis ryparis apprehend ony flesche with persone suspect or giltie of thift of befoir, and want the markin and birn to show, it shalbe ane point of dittay. And this to be publist at the command of the Commissionaris.—*Sic subscribitur:* J. Drumlangrig, Lag, Sir James Murray of Cokpuill, Williame Chrichtoun of Ryhill, Apilgirth."

Decision by the Council on the foregoing recommendations of the Border Landlords.

"Quhilkis ovirturis and answeris particularlie abonewrittin being red, hard, and considerit be the Lordis of Secrete Counsell, and thay ryplie advised thairwith, the Lordis of Secrite Counsaill allowis the first, secund, thrid, and fyift ovirturis, and ordane the same to [be] putt in executioun be the Commissionaris of the laite Merches, and ordanes and commandis the Capitane of his Majesteis garrisone to be reddy at all tymes to putt the said secund ovirture to executioun as he shalbe wairnit and requyrit to that effect; and, as to the ferd ovirture, the Lordis continewis the answer geving thairto quhill thay be advisit with his Majesteis Thesaurer thairanent." The Borders, 1603-1643. Fol. 29, a.

Edinburgh, 23rd Dec. 1606. Overtures by the Commissioners of the Borders for publishing the names of Border fugitives, and seeking them out all over the country.

"The quhilk day in presence of the Lordis of Secrete Counsall compeirit Sir Johne Charteris of Hampsfeild, knycht, Sir Gedioun Murray of Elibank, knycht, and Sir William Seatoun of Kylesmure, knycht, and gaife in the ovirturis underwreattin, quhairof the tennour followis:—That it pleas thair Lordschipis caus prent the haill names of the fugitives, disperse copies of the same throche the haill schyris of the land, affixing some on every marcat croce of burghis and principall landward kirkis, that nane sould pretend ignorance of thair ressettis gif thay bruik thair awne names. And, for remeid aganis these that, denaying thair awne, counterfittis thair names, that oppin proclamatioun shalbe maid att all marcat croces, als weill farre north west as in in uther midd pairtis of the cuntrey, that whatsomevir his Majesties laufull liege, of whatsomevir calling, shall haffe in his service or duelling upoun his landis ony man conducit since the yeir of God j^{m} vi^{c} and four yeiris befoir duelling or borne in the Mers, Eist or West Teviotdaill, Leidisdaill, Ewisdaill, Aisdaill, Wauchopdaill, Tueddaill, Nithesdaill or Anaunderdeill, that he shall ather present this his servand to thair Lordschipis of Secrete Counsall, or to ony ane of the Commissionaris appointit for the saidis schyris, to be tryit gif he be fugitive from his Majesteis lawis for just crymes or nocht, or ellis that his said maister, with or under quhome ony of the saidis personis shall duell, shall direct the name of his said servand, with designation of the schyre quhairouteof he comes, and quhair he dwelt of befoir, to the Clerk of the Counsell or to ony of the Commissionaris foirsaidis, with ane obligatioun under the pane of fyve hundrethe merkis that he shall have his said man answerable quhenevir he shall be challangit or chairgit for his productioun. And in all tyme comeing no man duelling in the in-partis of the countrey shall conduce no man oute of ony of these schyris callit of laite Border Schyris, except thay have sufficient suratie of his not being fugitive, and that he may byd the censour of his Majesteis lawis, specialy for thift; and whosoevir shall do in the contrair of the premissis, of whatsomevir state or calling he shalbe of, whensoevir just tryall shalbe gottin of his intertenying of ony that shalbe qualifeit to have bene fugitives, and to remane in his company any tyme fourty dayis efter the intimatioun of the said proclamatioun within the principall burgh of the schyre quhair he duellis, tryall gattin thairof, whensoevir ony pairty or hir Majesties Fol. 29, b.

The Borders, 1603–1643.

justice shall tak cognitioun thairof, the interteynear of ony fugitive in contempt of this present ordinance, being lauchfullie atteichit and convict of the said ressait att any tyme heirafter, sall be recknit and comptit partaker of all the fugitives deidis quhom he intertenyit, puneischit according to the lawis to the countrey thairfoir, and of the reddiest of his landis and goodis bund to mak restitutioun to all pairteis intrest be the saidis fugitives.—*Sic subscribitur:* Sir Johne Charteris, Sir G. Murray, Sir W. Seatoun."

Edinburgh, 23rd Dec. 1606. Regulations by the Council, in accordance with the preceding overtures, for the search and detection of Border fugitives dispersed through the in-country.

"The quhilk day the Lordis of Secrite Counsaill understanding that thair is a great nomber of personis, inhabitantis of the laite Borderis of this realme, who ar declairit and denunceit fugitives and outelawis for thair wilfull absenting of thameselffis fra the justice courtis haldin be his Majesteis Commissionaris within the saidis boundis, and thairby takand upoun thame the gyltynes of the crymes for the whilkis thay wer indytit and arrested to the saidis courtis, lyke as a great nomber of thir fugitives not onlie remanes within the countrey, and ar ressaitt, hurdit, and keipit and intertenyit be certane of his Majesteis undewtyfull subjectis, aganis his Majesties lawis, actis, and constitutionis, quhairby the ressaitt of fugitives and outlawis is prohibite and forbidden, and utheris of thame ar come within the in-countrey, and, counterfuteing and fenyeing thair propper names, ar enterit in service with sindry noblemen, baronis, and gentilmen of the countrey, wher, somtyme pretending the necessitie of thair adois to visite thair freindis and gatting licence of thair maisteris for some few dayis to that effect, thay come within the countrey, and, wher thay may find the commoditie of thair pray outher in horse, nolt, or
Fol. 30, a. scheipe, thay mell with the same, dispones thairupoun, and returnis to thair maisteris, as yff no sic stouth nor reiffe wer committit be thame, heychlie to the offence and contempt of oure Soverane Lord, encourageing of the saidis thives in thair thevische doingis, and to the hurte and prejudice of his Majesteis goode subjectis. And, to the effect that thir fugitives and lymmaris may be the better knawne, and that all excuise of thair ressaittis upoun misknawlege of thair names may be removed, the Lordis of Secrete Counsaill commandis and ordanis the haill names of the saidis fugitives and outelawis to be prentit, and autentick copies of the same affixt on the marcat croces of the principall tounis and parroche kirkis within the saidis laite Bordouris and in all utheris places neidfull of the in-countrey, quhairthrouch nane pretend ignorance of the same.

And, for the better discoverie of thir counterfute lymmaris who hes changit thair names and come in the in-countrey, the saidis Lordis straitlie commandis and chairges all and syndrie his Majesteis subjectis who hes ony personis of the laite Marcheis of this realme presentlie in thair service or duelling upoun thair land, and who hes bene in thair service and company sen the vi^{c} and four yeare of God, that thay present and sent in his name to ony ane of his Majesteis Commissionaris or to the Clerk of his Majesteis Counsaill, with a particular designatioun of the

Regulations for the search and detection of Border fugitives.

schyre and particular place wherfra he come, and where of befoir he maid his residence, to the effect it may be knawne yff he be ane fugitive or nocht. Lyke as the saidis Lordis declairis that the persone or personis quho hes or sal have any of thir countrey people under thame or in thair company shalbe haldin to enter and present thame befoir his Majesteis Counsaill at all tymes when thay shalbe chairgit, and shalbe haldin to find cautioun to that effect under the pane of fyve hundreth merkis.

Item: The saidis Lordis straitlie prohibitis and dischairges all and syndrie his Majesteis lieges and subjectis duelland in the in-countrey, that nane of thame tak upoun hand at any tyme heirefter to ressave in his service ony persone or personis, inhabitantis of the saidis laite Bordouris, unles the same persone or personis bring and present to him with whom he wald be in service a testimoniall of a famous man beiring his trew name and surname and the place of his former residence. And, for eschewing of craft and fraud in the testimoniallis, the saidis Lordis declairis, statutis, and ordanis that the persone or personis whatsomevir who sall use ony fals testimoniall shalbe hangit to the deid without favour or mercy, and gevar of the said fals testimoniall salbe answerable for all attemptis and offences of the persone or personis to quhome he shall give the said fals testemoniall." Fol. 30, b.

Lists of the fugitives from justice in the late Borders.

Fugitives from the Court held by the Commissioners over the late Marches in Drumfreis on 7th April 1606.

Annanderdaill.

Francie Johnstoun, son of Jok of Kirkhill.
Jamie Johnstoun in Mossyd.
Rob Johnstoun in Becktoun.
Will Johnstoun in Bus.
Thome Harknes in Tounheid.
Gavin Johnstoun in Bighillis.
Jamie Johnstoun in Meling.
Jok Johnstoun, his son.
Johne Tudop, "Borne on the Watter of Milk."
Hob Cairlele, son of late Johne Cairlele of Meine.
Willie Carlele in Bowhill, his brother.
Umphra Bell, called the Joukar.
Edward Irwing in Borrelrone.
Wattie Irwing, his son.
Willie Armestrang, son of Archie of Winterhopheid.
Jamie Armestrange, son of Archie of the Syd.
Sandie Armestrange, brother of Catgill.
Jount Maveris, man to Christie of Berngleis, Englishman.
Jok Grahame, man to Andro of Grenesyd.
Andro Grahame, bastard brother of Reid Kirk, Englishman.
Geordie Byris, man to Roistreis.
Adame Irving in Southwod.
Mathew Daviesone in Mitholme.
Andro Armestrang in Hoilhous.
Johne Irving in Steilhill.
Davie Irving in Holm.
Archie Armestrange of Winterhopheid.
Archie Carrutheris, called Longrange.
Willie Irving, called Usie's Willie.

Nithisdaill.

Jonat Lawrie, spouse of Adie Moffet in Lacht.
Robert Dowglas in Ersmortoun.
Johne Wallace, Gib Vallace, Jok Wallace, } brothers, at the Glen of the Lag.
Johne Espie, man to Johne Dowglas of Killievarrand.
Mungo Chrichtoun, brother of James Crichtoun in Sithoth.
James Lowden, man to Boytaith.
Archie Menzeis, brother of Castellhill.
Thomas Wilsone, sometime in Glenglas.
George Wilsone, his brother.
Jok Cunynghame, brother of Pait of Garrochstoun.

Davie Fergusone in the Riggis.
Paite Beg, man to George Craufurd in Kirkconnell.
Michaell Scot in Rachhill.
Will Scot there.

GALLOWAY.

James Lindesay, "oistler" in the Bordland of Culven.
Thom Wat beside the Ellereig.

Fugitives from the Court held by the Commissioners over the Marches at Drumfreis 13th October 1606.

ANNANDERDAILL AND ESKDAILL.

Andro Scot in Raburn, called the Braid's Andro.
Thome Armestrang, brother of Andro of
Fol. 31, a. the Kirktoun.
Robene Ellot of Glenvorane.
Hob Ellot of the Park.
Ebie Armestrange, son of Ringane of Arkiltoun.
Thome Litle in Craige.
Archie Scot in Glenrachane.
George Armestrang in the Catgill.
Arthure Grahame in Longriggis.
Wat Grahame, brother to Longboddome.
Davie Grahame in Wamfragate.
Rob Carleill, son of Jok of Mene.
Richie Tyirding, man to Geordie Bell in Annand.

NITHISDAILL.

Johne Greir in Parknuke, called the Sheriff.
Andro Edzell in Borland.
Hob Carleill, called Reidhob.
Jok Murray, cordiner in Bankend.
James Chrichtoun in Fenthoght.

Fugitives from the Court held in Hawick on 26th August 1605.

LIDDISDAILL, ESKDAILL, EWISDAILL, DEBATEABLE LAND.

Archie Armestrang, called Sym's Archie of Cowfeild.
Christie Armestrang, his son.
Johnne Irwing of Douglen.
Johnne Armestrang of the Hill.
Patoun Armestrang of the Hill.
Johnne Armestrang, called Raltoun.
Davie Armestrang, called Capilgill's Davie.
Andro Batie, } sons of Nickie of the
Jamie Batie, } Sheill.
Frig, *alias* Reidpeth, in Barngleis.
Will Batie, son to Watt of Midlaw.
Abraham Foster in Grenehall.
Rinyeane Armestrang in Tynneis Burne.
Mathou Scott, called Broid of Steill.
Will Glendoning, called Lord in the Cruikis.
Will Ellott of Fiddeltoun.
Johnne and Rinyeane Ellottis, his sons.
Andro Batie, called Workman's Andro.
Hob and Will Ellottis, sons of Jok of Burngranis.
Johnne Raltoun, called Tailliour.
Jok Ellott, son of Heidheid.
Gawin Niksoun in Burnefute.
Johnne Armestrang, called of the Syde.
Sym Armestrang, his brother.
Michell Armestrang, called Michell's Thome.
Johnne Armestrang, called Johnne Tailliour.
Johnne Armestrang, called Powdie.
Sym Foster in Grenehall.
Willie Armestrang, called Will of Horden.
Andro Tailliour in Schortburthholme.
Johnne Armestrang, son of Will of Quhisgillis.
Hob Douglas, man to Martyne Ellott.
Will Ellott in Burneheid, called Murth.
Will Ellott, called Gleyd Will.
Jok Litill in Craig.
Thome Batie in Davingtoun.
Geordie Armestrang, called Alie's Geordie.
Hob Scott in Glenrachane.
Johnne Grahame in Hillend.
Jok Ellott, son of Wower's Andro.
Thome Litill in Tailend.

Fugitives from the Court held at Peblis on 16th December 1605.

LIDDISDAILL.

Hob Croser in Cleuchheid.
Will Ellott, called Cauldfute.

Lists of the fugitives from justice in the late Borders.

Jok Ellott of Burneheid, called Halfe Lug.
David Ellott, son of Johnne Bowholmes.
Jok Ellott, called Reid Jok.
Will Ellott, called Cowsauche.
Johnne Armestrang of the Hill.
Gawin Niksoun in Burnefute.
Jok Ellott, called Blakheid.
Archie Ellott of Thorlishoip.

The Borders, 1603–1643.

Eskdaill, Ewisdaill, Wauchopdaill, Debateable Land. Fol. 31, b.

Rinyeane Watsoun, sometime in Tynnesburne, now in Quhitliesyde.
Archie M°Wyttie in Mekill Holme.
David Irwing, brother to Willie Cang.
Will Batie, son of Watt of Midlaw.
Sandie Armestrang, son of Catgill.
Davie Armestrang, Capitgill's Davie.
Adie Irwing in Dowglen.
Hob Scott of the Laik.
Andro Littill, man to Cristie Batie, called Gibbett.
Robie Batie, called James's Rowy.
Andro Batie, called Workman's Andro.
Watt Quhyte in Dunfedlane.
Will Tait, man to William of Thirlstane.
Davie Ardneill, man to David's Rowie.
Archie Armestrang, called Ker Hand.
Willie Armestrang, called Castel's Willie.
Adie Watsoun in Irwing.
Johnne Irwing in Dowglen.
Thome Purdoun of Brumesheilbrig.
Jok Armestrang, brother of Andro of Kirktoun.
Jamie Armestrang of Capelgill.

Annanderdaill.

Francie Irwing, son of Gib of Wyisbie.
Cuddie Litill in Auchinstork.
Will Johnnestoun in the Bus.
Rob Johnnestoun in Bektoun.
Jok and Rob Johnnestonis, brothers of Swynefute.
Rob Johnnestoun in Wynesheillis.
Thome Stewart in Kirkhill.
Jok and Rob Johnnestonis of Selcoith.
Jok Batie, man to Cristie of Barngleis.
Jok Scott, man to Mekle Hendrie Kirkpatrik.
Will Sitlingtoun, man to Geordie Gilleslie.
Rob Huchesoun.
Grahame, called Cowit Grahame.
Jok Johnnestoun, called Biggartis.
Petie Grahame in Wynesheillis, man to Rob Moffett.
Hob Grahame, man to Cristie Moffett.
Grahame, called Quhyte Grahame.
Pett Moffett in Cammok.
Cristie Moffett, his son.
Jok Huchesoun.
Fergy Armestrang, man to Catgill.
Irwing, called the Blinkair.
Sandie Armestrang, son to Catgill.
Thome Turnour's man.

Forrest.

Hob Johnnestoun, called Goode at Evin.
Andro Laidlaw in Dryhoip.

Tuedaill.

Jok Laidlaw, called Gynken's Jok.
Will Laidlaw, called Gynken's Will.
Will Laidlaw, called Adie's Will.
Jok Carmichaell.
Gib Young.
David Portous, father-brother to Glenkirk.

Fugitives from the Court held at Jedburgh 29th October 1605.

Adam Ker in Cowyburne.
James Young, son of Will of Otterburne.
James Hall, called Crowdie.
Usie Young, son of umquhill Petir's Dandie.
Robene Young, called the Trip.
James Hall, son of Andro Hall in the Sykis of Haviesyde.
Thome Curriour in Town Yettame.
Davie Young, called Richie's Davie.
Henry Tait of the Boig.
Robene and Williame Taitis, his sons.
Jamie Hall, called the Bastard of Haviesyde.
Johnne Davidsone, son of Williame Davidsone of Heiyhoip.
Rinyeane Robsoun, called Young Rinyeane, son of Raulff of Midlisknowis.
Will Fraser, brother of the Laird of Ovirtoun. Fol. 32, a.
Adie Olipher, called the Luther.
Johnne Fraser in Querrelbus.
Andro Hall, called Paull's Andro, in Bludy Lawis.

The Borders, 1603-1643.

Lists of the fugitives from justice in the late Borders.

David Davidsoun in Birnyrig.
Willie Davidsoun, his brother.
Hob Olipheir, called of Blanche.
Simsoun, called Harll the Baid.
Gawin Turnbull, son of the Laird of Bedroull.
Cuddie Armestrang of the Benkis.
Archie Armestrang, his son.
Rinyeane Ellott, called Hob's Rinyeane.
Willie Scott, man to Young Wauchop.
Jamie Croser in Hasindane.
Andro Young, sometime in Bernehillis.
Gib Lorayne, called Auld Gib.
Johnne Lorayne, called Jok's Johnne.
Johnne Stoddart, cobleman at Hawick.
George Turnbull, son to Jamie of Westleyis.
Mark Ellott of the Hill.
Jok Ellott, called the Murt.
Archie Ellott, called Blakheid.

Fugitives from the Court held at Jedburgh 14th April 1606.

Teviotdaill.

James Young of the Coife.
James Young in Blaeldend.
Lance Ker of Sheilsokbrayis.
Gib Lorayne, called Old Gib.
Hector Lorayne, his brother.
Martyne Burne in Swenesteidis.
Willie Ellott in Carlaverok, called Lowrey's Jok's Willie.
Hob Quhite in Hosbithill.

Liddisdaill.

Gib Ellott, called Dand's Gib.
Jamie Brydane in the Raw.
Abircham Foster in Grenehauch.
Arthour Foster there.
Niniane Armestrang, called Ekkie's Ninyeane.
Lancie Armestrang, son of Johnne of Quhisgill.
Johnne Armestrang, called Raltoun.
Patoun Armestrang of the Hill.
Eckie Batie, brother to Byde him Jok.
Davie Arneill, man to Dand's Rowy.

Merse.

William Pringle, called the Bastard of Blindley.
George Maltman in Haymouth.
Alshie Home of Quhytrig.
Peter Masoun in .
Williame Home in Aymouth.
Robert Home there.
Sandie Horsburgh in .
Sandie Craw in Aymouth.

West Edingtoun.

Geordie Duns in Duns.
Archie Younger in Blacadertoun.
Donald Neilsoun, sometime servitor to George Home of Aytoun.
George Home of Rastoun.
James Browne in Perkheid.
William Broun there.
David Maltman in Wydelawis.
Hary Craw in Nether Aytoun.
Rinyeane Haliday, smith there.
Willie Patersoun, *alias* Knottie Brow.
James Wychtman in .
James Home of Swynewode.
Alexander Home, his brother.
George Glenquhume in .
Andro Haitlie in Smelhome.

Fugitives from the Court held at Jedburgh 20th October 1606.

Fol. 32, b.

Adam Scott, called Sonsie, in the Over House of Davingtoun.
Geordie Batie, called Gird him, there.
Archie Armestrang of the Gyngillis, called the Gunnar.
Andro Armestrang, called Bath.
Johnne Armestrang, son to Sannachie Armestrang.
Eckie Armestrang, son of Geordie of Howgill.
Willie Armestrang and Abie Armstrang, sons of Rinyeane of Arkiltoun.
Williame Anislie and Thomas Anislie, sons to Williame of Fawlaw.
George Ellem, sometime in Buttirdene.
William Ellem, his brother.
Jok Niksoun, called Gynken's Jok.
Gawin Niksoun in Burnefute.
Willie Hendersoun, brother to Archie of Penyilhoillis.
Archie Armestrang, called Alexander's Archie.
Andro Armestrang, called the Bogill.
Symmie Armestrang, called of the Syde.
Charlie Litill of Daldurane.

Edinburgh, 13th Jan. 1607. Article for punishing Border malefactors.

The Lords of Secret Council, with advice of George, Earl of Dunbar, Lord High Treasurer of Scotland, allow of the fourth Article given in by the Barons and Gentlemen of the West March anent the punishing of malefactors and making redress to the complainers of their skaith and saw silver of the readiest goods belonging to the malefactors (*ante*, p. 721). Accordingly, the Commissioners of the Marches are ordained to put the said Article to execution. The Borders, 1603–1643.

Farnham Castle, 2nd August 1607. Grant to the Earls of Dunbar and Cumberland of a Commission of Justiciary over the late Marches or Borders.

His Majesty ordains a commission to be passed under the great seal of Scotland as follows:—"Whereas, be the happie Unione of the kingdomes of Scotland and England in subjectioun and alleageance, be the providence of the Almychtie God, under ane imperiall croun in his Majesteis royall persone, the lawes and usages of the lait Marches or Borderis, instituted or tollerated quhyll thay stood separate and dividit under severall kingis for the peace and tranquillitie thairof, ar utterly frustrated and expyred, and mony of both nationis duelling neir the lait Borderis or Marches (of sik force is custome) [? are encouraged] to continew thair formair godles lawes and disordered course of lyfe, quha be the ordinary and separate proceiding of ather countrey cannot, as the necessitie of the caus requyre, be ather so spedely brocht to the knawlege of God and to obedience to oure Soverane Lord and his Hienes lawis (quhilk he cheiflie desyres, or sic as will not be reclamed so soone cutt of be the sword of justice, leist thay infect utheris) as by joining certane his Majesteis loving subjectis of boith nationis in one commissioun for that purpois,—whom God haith alredy joynit as memberis of ane body under ane head. And, forasmuch as ane of the greatest causes of thair offenssis is hope of impunitie, and the greatest motive of thair hope is, efter murderis, felloneis, ryottis, routtis, unlauchfull assembleis, or other offences commitit in ather countrey, to esheap punishment by fleing into the uther; and seing the saidis lawis and usages of the lait Borderis and Marches ar vanneisheit and deleite, and for that it appertinith to oure Soverane Lordis kinglie office to cair and provide that all his loyall and obedient subjectis may live in peace and tranquillitie without feir of rapine and spoyle and danger of thair lyves, and that murderaris, fellones, and utheris delinquentis may be puneist according to his lawis respectively in that behalffe: his Majestie thairfoir hes thocht good, als weill to remove all occasione of strangnes and markis of divisioun betuix the nationis as alsua to tak away all subterfuge and quenshe all the sparkis of any hope of escheap of puneishment in sic as sall offend, to joyne together in ane commissioun certane of ather nationis for the establishment and preservatioun of oure Soverane Lordis peace in these partis, and for the utter suppressing and preventing of all sic exorbitant offences and disordouris, and for the apprehending of sic offendouris, to the end thay may ressave condigne puneishment for thair demeritis according to the law and justice respectivelie in that behalff. And oure Soverane Lord, reposing great trust and confidence in the approvit wisdomes, fideliteis, Fol. 33, a. Fol. 33, b

The Borders, 1603–1643.

and circumspectiones" of George, Earl of Dunbar, and Frances, Earl of Cummerland, gives them conjunctly or severally full power and authority to do as they shall think fit for establishing and preserving peace within the bounds following,—"being aboute the middle parte of his Majesteis kingdome of Great Britane,"—viz. in the shires and towns of Berwick, Roxburgh, Selkirk, Peblis, Drumfreis, and in the stewartries of Kirkcudbright and Annanderdaill, and also in the counties of Northumberland, Westmerland, and Cumberland, the town of Newcastle upon Tyne, and the county of the same, and in the shires or parishes of Northame, the Halie Island, and Bedingtoun, parcel of the county palatine of Durehame, and in such other places as were heretofore subject to the charge of the Wardens of the late Marches, or since the beginning of his Majesty's reign were under the government of the Lieutenants of the bounds foresaid. Power is also given to the said commissioners to levy and call together all the powers of the foresaid bounds, and also such forces of men and horsemen as his Highness may assign in that behalf, as well for preserving the peace there as for apprehending malefactors within the same. And, in as much as the execution of the foresaid commission "will requyre very great cair, panes, travell, and expeditioun," Sir William Seytoun, Sir William Cranstoun, Sir Robert Charterous, Sir Gedioun Murray, and Sir William Selby, Sir Wilfrid Lawsoun, Sir Johne Fenwick, Sir Cristopher Pickering, are commanded to assist the Commissioners in the execution of the premisses, and also to perform all such orders as the Commissioners shall prescribe to them. Authority is also given to the Commissioners, or to any of their said assisters having express direction from the commissioners, to hold courts of justiciary within the bounds of their commission, to convocate the lieges within the said bounds, and to lay siege to houses and strengths for apprehending malefactors taking refuge therein. Command is lykewise to be given to all officers of the law and to the said assisters to aid the Commissioners in the execution of the premisses in all possible ways to their uttermost power.

Commission of Justiciary over the late Marches.

Fol. 34, a.

Fol. 34, b.

Fol. 35, a.

Fol. 35, b.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1604–1607.

PRIVY COUNCIL PAPERS.

Miscellaneous Papers. Action against Gordon of Knockespock for entry of Ross of Ballivat.

1. Johne Ros of Ballivat, a notorious malefactor, having been relieved furth of his ward in Edinburgh upon a band given by James Gordoun of Knokaspik for his entry before the Council when required, Robert Elder, messenger, is ordered to charge Gordoun to enter Ros on 10th April next, under pain of rebellion. Elder executed the charge against Gordoun at his house of Knokaspik on 25th March, and at the market cross of Abirdein on 28th March, before Donald Bruce in Edinburgh, William Bellie, Jhone Craufurd, messenger, and Jhone Thomsoun. Gordoun failing to appear (10th April), the Lords decern against him, but continue the outgiving of the letters till 24th instant. Edinburgh, 10th April 1604.

Charge to the Marquis of Huntly to enter certain of his men.

2. Letter, dated at Edinburgh 25th February 1604, to charge George, Marquis of Huntley, under pain of rebellion, to enter before the Council on 10th April next Allane M°Coneill Dowy of Lochyell, Alexander M°Rannald of Capeth, Ewne M°Ewne M°Conneill, his brother, being the said Marquis's men, to underlie such order as shall be given to them for the "weill and quyetnes of the cuntrey." The charge had been executed on 21st March against the Marquis at his dwelling place of Bogie of Geicht by Robert Elder, messenger, who gave a copy of the letter to James Andersoun, secretary to the Marquis, before Patrik Murray of Crimont and Robert Schand. The case was called on 10th April and continued to 24th instant. 10th April 1604.

Earl of Cassillis against Lord Ochiltree and others.

3. Charge, of date at Edinburgh 23rd March 1604, to Andro, Lord Stewart of Uchiltrie, William Craufurd of Leifnoreis, George Craufurd, his son and apparent heir, Josias Stewart, brother of Lord Uchiltrie, and Johne Kennedy of Blairquhan, to answer before the Council on 24th April next for having raised letters of lawburrows against Johne, Earl of Cassillis, who alleges that their only purpose in so doing was to bring him under the danger of horning. 24th April 1604.

Charge of false imprisonment against authorities in Corstorphine.

4. Charge, dated at Edinburgh 27th April 1604, commanding Hary Aikman in Bromehouse, bailie of Corstorphene, and Mathew Hadden, officer there, under pain of rebellion, to release Thomas Johnestoun in Corstorphene furth of the kirk of Corstorphene, where they have imprisoned him, or to enter him before the Council on 3rd May next,—he having, as he alleges, committed no crime. The charge executed against the defenders on 30th April by Johnne Fraser, messenger, before Johnne Duff, messenger, Robert Johnstoun of Mosstop, and Patrik Leverance. 3rd May 1604.

Pursuer appearing (3rd May), but not defender, decree is given against defender. Miscellaneous Papers.

Holyrood-house, 3rd May 1604. 5. Extract of an act ordaining all persons dwelling within the regality of Spynie who are suspected of murder, theft, or reset of theft, to underlie the law before Alexander, Lord of Spynie, as lord of the regality thereof, and his bailies, for the crimes specified in his precepts executed against them,—they having hitherto refused to appear in his court "in respect thay knaw that upoun the said complenaris preceptis na executioun of horning can be usit." The extract, passed under the signet, is subscribed by James Prymrois, and countersigned by Alexander, Bishop of Murray. Jurisdiction of Lord Spynie in the regality of Spynie.

Holyrood-house, 3rd May 1604. 6. Proclamation against resetting or intercommuning with the jesuits Mr Johnne Hammiltoun or Mr Robert Abircrumby, under the pains contained in the laws, and offering a reward of £1000 Scots to any person who shall apprehend the said persons or any of them, and enter them before the Council or hold them in sure firmance till the Guard take them off his hands. Proclamation against certain Jesuits.

Perth, 12th June 1604. 7. Order, signed by the Earl of Montross, chancellor, to the provost and bailies of Perth, to release David Scrimgeour of Fordle, presently in ward as alleged rebel for not paying certain sums of money to Gabriell Mersher and the late David Jaksoun, burgesses of Perth, he first finding caution to remain in the said burgh till he satisfy the pursuers. Charge for the release of Scrymgeour of Fordill.

Greenwich, 12th June 1604. 8. Letter under the sign manual from the King to the Parliament anent the Union of the two Kingdoms. (Printed in full, from the copy engrossed in the Register, *supra*, pp. 457–59.) King's Letter to the Parliament.

21st August 1604. 9. Robert Kinloche, burgess of Dundie, Barrie, relict of Mudie there, Barrie, relict of Broun, baxter there, relict of David Yeman, merchant there, Paull Lundie, citizen of Sanct Androis, Johne Mair, David Vennysoune, James Kyninethmonthe, and Duncan Balfour, younger, indwellers in Sanct Androis, having been put to the horn at the instance of Androw Galbraithe, son of Thomas Galbraithe, servitor to Patrik, Lord of Lundores, for not paying him the dues of certain chaplainries, still remain unrelaxed. Accordingly, there is a charge to the said rebels, dated at Striveling 27th July, to answer before the Council on 21st August next, under pain of being apprehended by the Captain of the Guard. Johne Reid, messenger, executed on 17th August the said charge against Bessie Barrie, relict of George Mudie, Margaret Barrie, relict of James Broun, Robert Kinloche, and Jonet Crocket, before Johne Roger, James Galbraith, Mathew Methven, and Thomas Guild; and Johnne Downie, messenger, executed on 19th August the charge against David Vennysoun, James Kynynmonthe, and Johne Mair, before Johne Buchquhannane, James Downie, baxters, and Thomas Vennysoun, younger. The case called (21st August), and continued till Thursday "come aucht dayis," when the defenders are ordered to produce their suspension. Proceedings against certain persons in Fifeshire at the horn for debt.

Perth, 31st August 1604. 10. Commission of justiciary, dated at Perth 30th August, to William Gray of Inchesture, sheriff depute of Forfar, for the apprehension and Commission of Justiciary against William Kid.

Miscellaneous Papers.

trial of William Kid, cordiner in Dundie, who is accused of "pykerie," and specially of the stealing of a mare pertaining to Robert Popeltrie furth of the lands of Balumbie, belonging to James, Lord of Balmerinoch. The commission, superscribed by his Majesty, is signed by the Earls of Montross, Argyll, Erroll, Mortoun, Atholl, Linlythgow, Lords Blantyre and Scoune, Sir George Douglas, Laird of Traquair, Peter, Bishop of Dunkeld, R. Cokburne. Passed in Council on 31st August, and registered on "day within writtin."

Marquis of Huntly.

11. Letter from the King forbidding the excommunication of the Marquis of Huntlie for non-communion. (Printed in full p. 462 *supra*.) Windsor Castle, 25th Sept. 1604.

Municipal Disturbances and disputed election in the burgh of Dundee. Decree annulling the election of magistrates made by the opposition, and ordering the ringleaders of the tumults, and Mr Robert Howie, minister of Dundee, as their abettor and counsellor, into ward.

12. Extract of the complaint by Sir James Skrymgeour of Dudop, provost, Mr Johnne Lovell and William Afflek, bailies, and the council of the burgh of Dundie, as follows:—Great trouble has been raised in the burgh this last year by William Rollok, Waltir Rollok, Robert Flescheour, James Findlasoun, and their accomplices; who, "ambitiouslie aspyring" to the government of the burgh and "abuseing the commoun multitude with a pretense and cloik of reformatioun,"—drawing them thereby in all their enterprises,—first dealt with the crafts to shake off their obedience to their magistrates, and so far prevailed that they took on hand to hold public meetings and subscribe bands against their magistrates. The Lords of Secret Council, fearing such example might prejudice the authority of all magistrates, committed the defenders to free ward in certain towns, where they remained a very short time. After their liberation the complainers, desirous of knitting up a "cristeane and godlie harmonie" among the inhabitants for the future, were content to hear from the defenders what was the "pretens of thair greffis." The defenders alleging that the magistrates were not elected according to the Acts of Parliament, the complainers agreed with them that thereafter the election of the magistrates should be conform to law. But, notwithstanding that both parties thus became reconciled, the defenders still continued in their "seditious mutyneis," and shewed that what they meant by "reformatioun" was to have the governament of the town established in their own persons. Now, albeit hitherto the election of the deacons of crafts was always after that of the magistrates, the defenders moved the crafts to meet this year on 17th instant, the day before the election of the magistrates and council; when the following persons were chosen to be deacons, viz. Thomas Gray, deacon of the baxters, James Watt, William Forbes, David Mudie, James Mudie, Patrik Gairdin, David Wat, and Alexander Barclay,—the very persons, who, with the other defenders, were the ringleaders in the first "mutynie," and were warded for the same. The provost objected to that election and discharged their meeting. Whereupon the defenders, "in contempt" of their said provost, proceeded to accomplish their purpose the day following in the election of the council and magistrates. The complainers convened in their tolbooth on 18th September, the day appointed for the election of magistrates and council; and, while the agreement between both parties was being read, a letter was presented to the complainers from his Majesty, willing them Perth, 26th Sept. 1604.

Municipal disturbances and disputed election in the Burgh of Dundee.

to choose such persons as were of "quyet dispositioun" and "weill affectionat to his Heynes." But, while the complainers were proceeding to give effect to the said letter, more especially as it was not disconform to the said Acts of Parliament, the said Robert Flescheour, and some others who were of the complainers' number,—viz. Patrik Yeman, Thomas Man, Andro Flescheour, Thomas Traill, and James Low,—began to set forth sundry doubts anent the election, refusing to follow the form set down in the Acts of Parliament and the agreement foresaid. After long reasoning, the complainers, although they had a majority of votes, continued the matter till the next day, in the hope of pacifying the defenders. Then the defenders, finding they could not carry out their purpose in any other way, resolved by open force to compel the complainers to proceed to the election according to their "fantaseis," or else "to forbeir the making of ony electioun." Accordingly, they warned their faction to be in readiness the day following, provided with arms to assist them if required. That day 300 or 400 of them met in troops in different parts of the town, waiting till the alarm should be given. Both parties convened of new in the tolbooth; and, some new doubts having risen, at last the defenders, finding that they could not prevail, rose from the board, avowing that, if the complainers should elect, they would make a new election. With this the said Robert Flescheour passed to the tolbooth, where he made a sign to his associates who were on the calsay. Whereupon the complainers, for fear of their lives, dissolved without farther proceeding. On 19th instant the said Robert Flescheour, William Rollok of Balbegy, Waltir Rollok, James Findlasoun, Thomas Ogilby, James Ker, Thomas Man, David Huntar, James Low, collector, William Davidsoun, elder, Robert Watsoun, Andro Panter, Adame Bennet, Alexander Annand, George Mathew, Patrik Yeman, Robert Builtie, Andro Flescheour, David Foullertoun, Andro Gray, James Peirsoun, David Mudy, Johne Baxter, Patrik Hoige, Johne Rankene, William Saidler, Thomas Gray, James Wat, Patrik Gairdin, David Wat, James Mudy, Alexander Kinmonth, and Andro Barclay, "with convocatioun of the ignorant multitude of the said toun," convened, "for the maist pairt in armes," in the tolbooth, without the consent of the town council (saving only five, who were of the said Robert's faction and warded for their part in the first sedition), and elected the said William Rollok to be their provost, said Waltir Rollok, James Findlasoun, James Ker, and Thomas Ogilvy, to be their bailies, said Thomas Man to be deacon of guild, said David Hunter to be treasurer, said James Low to be their collector, and said David Mudy, Johne Rankene, William Saidler, Thomas Gray, James Wat, Patrik Gairdin, Alexander Kinmonth, and Andro Barclay, all deacons, to be of the council. The said persons unlawfully usurped the said offices, appointed garrisons of men in arms to keep the town, and have made the said burgh, which "was in all aigeis bigane ane haill body of quiet, modest, and honnest citizenis," to be now "ane toun of weir."—The like whereof "wes nevir hard of in ony cristeane commoun-

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wele subject to a soverane prince." Moreover, Mr Robert Howie, one of the ministers of the said burgh, who should have been a preacher of peace and reconciler of grudges among his flock, was the head of that faction, was present at all their meetings, and encouraged them to go forward in their doings, "prophaning the place and chire of veritie in his sermonis" with public approbation of their proceedings. — Charge had been given to the defenders to answer before the Lords of Secret Council for their "seditious forme of proceiding in maner foirsaid," and for their unlawful usurpation of the said offices, under pain of rebellion. And now, Sir James Skrymgeour, provost, Mr Johne Lovell and William Afflek, bailies, William Duncane, Johnne Schaw, Johne Skrymgeour, George Ramsay, Alexander Ramsay, Thomas Afflek, Patrik Lyn, William Hill, Mr William Fergussoun, Robert Weddirburne, and David Wedderburne, councillors, appearing, and the defenders being also present, except the said William Davidsoun, elder (who was excused in respect of his sickness), the Lords declare the said election to have been unlawfully made, and therefore discharge the persons above elected of their offices. And, because the said William Rollok, Waltir Rollok, James Findlasoun, David Huntar, and Thomas Man usurped the said offices without free election, and the said Robert Flescheour, Androw Flescheour, James Low, William Saidlair, and Thomas Huntar were actors in the said pretended election, the Lords ordain William Rollok to enter in ward in the burgh of Striviling, Robert Flescheour, Waltir Rollok, Andro Flescheour, Thomas Huntair, and David Huntair, in the Castle of Dumbertane, and the said Thomas Man, James Finlasoun, James Low, and William Saidlair, in the Castle of Blaknes. They also ordain Mr Robert Howie to be committed to ward in the city of St Androis. (Compare, by Index, other entries respecting *Dundee* and *Howie*.)

13. Answers given by Patrik, Earl of Orknay, Lord Zeitland, to the complaint against him before the Council at the instance of William Sinclair:— Sept. 1604.

Earl of Orkney's defences to the charges made against him by William Sinclair.

(1) The first head of the complaint, bearing that Henrie Blaik, captain of the Castle of Kirkwall, and others in the Earl's name, besieged William Sinclair in his dwelling house in Holland in September 1604 for 10 days, is not relevant; and, even if it were, the Earl in this matter did no wrong, because the said William has often sought to take the life of his father, Edward Sinclair of Ethay, who is 100 years old or thereby, by shooting of hagbuts with bullets at him, and "niping him in the craig as he had bene ane dog, thinking to haif wirreit him." Farther, the said "auld decrepit" man having desired the Earl to direct his precepts charging his said son to find letters of lawburrows to him, the Earl had given orders for his apprehension because he refused to find the said letters. It was quite competent to the Earl to act in the matter as he did, in respect he is sheriff of the shire, justice of the county, and lord of the regality. Again, the Earl did no wrong in seeking for the said William in his house and throughout the county, because the

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said William had been put to the horn at the instance of Thomas Blaik for not paying him certain sums of money, and the Earl had been charged, as sheriff principal of Orknay, to apprehend him. (2) As to the second head of the complaint, accusing the Earl of ejecting the said William and his family in September last furth of the lands of Holland, the same is civil, and the Lords of Secret Council are no judges therein; and, as to the Earl's imprisoning the complainer's wife, and Johnne Pattoun, messenger in Kirkwall, they had liberty to leave at their pleasure; besides, the complainer had no interest to pursue for Pattoun. (3) As to the Earl's deforcing the said messenger, that part of the complaint is not relevant either; and, if it were, the Lords of Secret Council are not judges to the deforcement. (4) The complaint that in September last the Earl demolished the said William's house of Holland, spuilyied his plenishing furth thereof, and ejected him out of the lands of Holland and Skaill, is also civil, and should be remitted to ordinary judges, viz. the Lords of Session. At that time the Earl was in Halie Iland (Restalrig) in England. (5) The complaint that the said William, when he had come to visit his father, had been stayed from landing by six or seven boats sent furth by the Earl, is not relevant. If it were, it could be proven that the complainer, accompanied by three or four score vagabonds, broken highland men of Caithness, all armed, thought "werilie" to have seized the lands of Ethay, occupied by his father, and to have slain his father or else caused him to render to him all he had. The father, fearing their invasion, had sent to the gentlemen of the country, desiring them to help in resisting the "wickit furie and barbarous interpryis" of the said William and his complices; "for of the cuntrie men of Caithness thair barbarous interpryissis lang of befoir aganis the cuntrey of Orknay thair remaneis yit experience." (6) Lastly, the complaint that the Earl caused said Williame to subscribe an unlawful band is not relevant, and, if it were, is civil, and should be remitted to the judge ordinary.

Linlithgow, 9th Oct. 1604.

Sir Michael Elphinston a Councillor.

14. Extract of an Act admitting Sir Michaell Elphingstoun to be one of the Privy Council conform to the King's warrant in writing.

Linlithgow, 10th Oct. 1604.

Caution for John and Duncan Thomson.

15. Caution by Thomas Esplene in Newbigging for Johnne Thomesoun at the Mill of Touris and Duncane Thomesoun there, 500 merks each, to answer before the Council on to the complaint of Patrik Forbes of Birnie.

2nd Nov. 1604.

Lady Cassillis.

16. Letter from his Majesty to Lord Newbottle and the other Councillors anent the Lady Cassilis, widow of the Lord of Thirlestane. (Printed in full p. 464 *supra.*)

Haddington, 29th Nov. 1604.

Charge for assurances between the Maxwells and the Crichtons.

17. Letter charging Robert Logane, messenger, to command Johnne, Lord Maxwell, Robert, Master of Maxwell, Johnne, Lord Herreis, William Maxwell, his brother, Sir Robert Maxwell of Spottis, Alexander Maxwell of Logane, Patrik Maxwell of Newwark, David, Johnne, and Mr Alexander Maxwellis, his brothers, Archibald Maxwell of Cowhill, William, Archibald, and Johnne Maxwellis, his sons, Eduarde Max-

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well, elder of Tynwall, William and Harbert Maxwellis, his sons, Johne Maxwell of Kirkconnell, Harbert Maxwell of Cavence, James Maxwell of Portrak, Johne Maxwell of Conhaith, Edward Maxwell of the Ile, and Johnne Maxwell, called Captain Johne, on the one part, and Johne Crychtoun of Crawfurdstoun, James Crychtoun, his son, William Crychtoun in Auchintagart, James Crychtoun, brother of William Crychtoun of Dernhunche, Johne Edzer of Inglistoun, and William M'Gowne in Craufurdstoun, on the other part, to subscribe, within six hours after being charged, under the pain of rebellion, an assurance to one another to endure till 1st January 1606.

Walter Rollock in ward.

18. Walter Rowok (Rook), burgess of Dundie, having been commanded by our Sovereign Lord's "Counsell being at England" to enter in ward in Castle of Blaknes, complies with the said order this day, as is certified by Robert Ker, notary, and William Crychthone of Drumcorsmains, constable of the Blaknes, in presence of Johnne Levingstoun, merchant, burgess of Edinburgh, and Henry Polwarth, brother of James Polwarth of Cathlaw. Blackness, 20th Dec. 1604.

Mr James Pitcairn against William Rankeillor.

19. Extract of warrant to the Captain of the Guard to apprehend, at the instance of Mr James Pitcairne, minister at Falkland, William Rankelour, Kintyre pursuivant, and William Rankelour, his eldest son, for not paying to the said minister the sum of £100 specified in their obligation to him. Edinburgh, 17th Jan. 1605.

Caution for William Crichton.

20. Precept, subscribed "Jo. Prestoun," to James Prmyrois, to receive Alexander Baillie of Callenge and Alexander Carmichaell of Burnehouse as sureties for William Crychtoun of Townheid, not to hurt James M'Math. Edinburgh, 18th Jan. 1605.

Act in favour of Gavin Home.

21. Petition of Gawin Home, servitor to the Queen's Majesty, praying the Council to command James Prymrois to give him an extract of the Act of Council disponing to him the escheat and liferent of Johnne Home, younger of Blacater, who had been denounced rebel at the instance of Johnne Mallache, servitor to his Majesty. The petition is endorsed "Fiat ut petitur," J. Cokburne signing the decree. Edinburgh, 26th Feb. 1605.

Simon Hill in Dundee.

22. Symon Hill in Dundee, being examined in presence of the Lords of Council as to "clippit gold" found with him, depones that he got the same from a "choipman boy" on the calsay of Dundie, and that he gave him 40s. worth of "pointis and leassis" for the same. Edinburgh, 12th March 1605.

Certain Jesuits and Papists to be charged to depart this realm.

23. Proclamation ordered at the crosses of Edinburgh, Dundee, Aberdene, Perth, and Drumfries, charging Mr James Seytoun, Mr Johne Hammiltoun, and Mr Robert Abercrumby, jesuits, and Johne Gordoun of Newtoun, Patrik Buttir, and Patrik Mortymer, excommunicated papists, to leave his Majesty's dominions by 30th June next, under pain of death. Edinburgh, 18th April 1605.

Cheviot Fells.

24. Letter from his Majesty to the Council anent the Cheviot Fells. (Printed in full p. 470 *supra*.) Greenwich, 2nd May 1605.

Lord Maxwell and Sir James Johnstone reconciled.

25. Extract, made and subscribed by James Prymrois, of the act of agreement and reconciliation between Johnne, Lord Maxwell, and Sir James Johnnstoun of Dunskellie, whereby Maxwell freely forgives Johnnstoun for the slaughter of his father and grants to him a letter of slains. (See *ante* p. 58.) Edinburgh, 11th June 1605.

26. Order, signed by the Chancellor, freeing Alexander and George

Edinburgh, 25th June 1605. Wischartis, brothers of Sir Johne Wischart of Pittarrow, and Mr James Wischart, son of the said Sir Johne, furth of their ward in their lodging houses, each of them finding caution in £500. Miscellaneous Papers. Alexander Wishart and others.

Edinburgh, 25th June 1605. 27. Extract, made and certified by James Prymrois, Clerk of Council, of the letter of slains granted on the 11th of June, at the special desire of his Majesty, by Johnne, Lord Maxwell, to Sir James Johnnstoun of Dunskellie for the slaughter of Johnne, Lord Maxwell, said lord's father. Registered this day. (See the letter in full *ante*, pp. 64–65.) Letter of slains by Lord Maxwell to Sir James Johnstone.

Edinburgh, 25th June 1605. 28. Alexander, Earl of Dunfermling, chancellor, in presence of the Lords of Secret Council, reports that he, and Mark, Lord of Newbottle, David, Lord of Scone, comptroller, Johnne, Commendator of Haliruidhous, Sir Richard Cokburne of Clerkingtoun, lord privy seal, Sir Thomas Hammiltoun of Bynnie, lord advocate, Mr Johnne Prestoun of Fentounbarnis, collector general, Johnne Arnot, treasurer depute, and Sir Archibald Naper of Edinbillie, general of the cunyiehouse, met in the cunyiehouse in Edinburgh on 1st June last, and there, according to their commission, opened the assay box, in which they found 25 pieces of assay of gold and 50 pieces of assay of silver, which agreed with the "jornayis" specified in the warden's books. The said assay pieces having then been "cassin in severall lingoittis," the said assays of gold and lingot of the same were found to be of the fineness of 22 carrats and 1 grain, and the said assays of silver to be 11 deniers 1 grain and 1 quarter. Accordingly, the Lords of Privy Council exonerate the officers of the cunyiehouse in the premisses. (See *ante*, pp. 52–53.) Assay taken of the gold and silver pieces, with exoneration to the officers of the Cunyiehouse.

26th June 1605. 29. Charge, dated at Edinburgh 22nd May 1605, commanding John, Lord Maxwell, to pay, within ten days after being required, to Gawin Home of Johnescleuch, under pain of rebellion, conform to a decree of Secret Council of date 18th instant, the sum of 480 merks as principal and £100 for expenses, as specified in an obligation made to Home by Cristie Armestrang, called Geordie's Cristie, as principal, William Maxwell, apparent of Tinwald, and Johne Armestrang in Hoilhous, as sureties, for the prices of certain goods reft from Home by Cristie, and this by occasion of my Lord's non-entry of the said principal and sureties, who are his men. The charge had been executed against Lord Maxwell on 23rd May in Edinburgh by Alexander Govane, messenger, before Sir Robert Gordoun of Glen, Sir William Greir of Lage, and William Forsyth, messenger. Lord Maxwell, having disobeyed the charge, had been denounced by Patrik Chrystisone, messenger, on 14th June, by proclamation at the market cross of Drumfreis, before Alexander Home, son of said Gawin, and Robert Symsone, his servant.—On 26th June 1605 the letters of horning were produced by Robert Sprewll, and registered in the Books of Council, conform to the Act of Parliament, by Mr Johne Skene, substitute for Mr James Skene, Clerk of Register, Council, and Rolls. (Compare *ante*, pp. 48–49, and p. 65.) Lord Maxwell and Christie Armstrong.

Edinburgh, June 1605. 30. Precept to the Clerk of Secret Council from the Chancellor requesting him to stay the booking of the decree given at the instance of Johnne Laird of Calder's tenants.

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Baillie of Braidschaw against the Laird of Calder's tenants in his barony of Calder on 13th instant.

Balfour of Burley against Somervill of Cambusnethan.

31. Charge, dated 11th July, and executed by Niniane Weir, messenger, on 13th July 1605, in presence of William Cokburne, brother of James Cokburne of Newholme, Alexander Crychtoun, servitor to James Lowrie, and Patrik Somerwell in Grene of Cambusnethain, against Somervell of Cambusnethane, to answer before the Council on 18th instant for not purchasing from Sir Micchell Balfour of Burley, or James Lowry, his factor, the legal outfit of arms. Pursuer appearing personally, and the defender by Patrik Sommervell of Grene, the case is continued. Edinburgh, 18th July. 1605.

Petition by Forbes of Corsindae.

32. Petition to the Council by Forbes of Corsindae, praying that, as he has "ane rowme to plenneis" next year, for which he requires a great quantity of corns for feeding and sowing, licence may be given him to keep stacks of corn "ouer yeir," notwithstanding the laws.—"Fiat ut petitur: Al. Cancellarius." Edinburgh, 23rd July 1605.

Caution for Gilbert Cranston.

33. Precept to James Prymrois, subscribed by the Chancellor, to receive caution in 1000 merks for Gilbert Cranstoun's compearing to answer before the Council to the complaint of Mr William Leslie for which he is warded in the tolbooth of Edinburgh. Edinburgh, July 1605.

Act against the pretended Assembly held in Aberrdeen.

34. Extract of the Act of Council inhibiting all synods, presbyteries, sessions of kirks, or ministers within this realm, by open proclamation at the market crosses of the head burghs, from approving or justifying publicly or privately the unlawful meeting of the ministers held at Abirdeyne on 2nd July last, under pain of being held and pursued as guilty of that illegal proceeding. (See the Act in full *ante* pp. 113–115. Edinburgh, 8th August 1605.

Skinners of Edinburgh against John Taylor.

35. Extract of the decree pronounced by the Lords of Secret Council in the cause pursued by George, Earl of Dumbar, treasurer, and Sir Johne Arnot, his depute, and by the skinners of Edinburgh, against Johnne Tailyeoure and his partners. (See *ante* p. 117.) Holyrood-house, 15th August 1605.

Toll granted to John Brown of Gorgie Mill for building a bridge at Sauchtonhall and repairing the "New Brig" over the Water of Leith.

36. The common ford at Sauchtounhall being so "washin away" that last winter sundry persons perished in the water, and the next passage to it, viz. the New Brig on the water of Leyth, being very far decayed in the "pend" and "puttis" thereof, a petition had been presented to the Council by persons dwelling be-west of Edinburgh, praying commission to be given to Johnne Broun in Gorgiemill, who is a "werrie honnest, famous, and ansuerable man," to build a bridge at Sauchtounhall of four bows, all the pillars to be of massive stone work, and the pend, "becaus convenientlie it can not be maid of stane," to be of timber in a sufficient manner, and also to repair the said New Brig. For defraying the expense of the work, they desire power to be given to him to uplift the following dues from every passenger crossing the water of Leyth at any ford between the New Brig and Ridhall,—viz. each footman 2d., each horseman 4d., each horse load or draught 4d., each ox or cow 4d., ten sheep 1d., each pack of wool, skin, cloth, or other goods 8d., and each cart load 12d.,—such dues to be employed on the said work, and to be exigible only one day in the week for three years at the New Brig, and at Holyrood-house, 15th Aug. 1605.

the rest of the fords every day during nine years.* The Council on 26th November 1605 had granted commission, subscribed by Earl of Montross, Commissioner, to my Lord of Halirudhous and the Lords Advocate and Collector, to visit the said ford and bridge and to report at the next Council meeting what dues will suffice for completing the said work. A copy of the petition, indorsed Halirudhous, 15th August 1605, bears the words "Fiat ut petitur," and is subscribed as above. Miscellaneous Papers.

Asby, 18th Aug. 1605.

37. "After our hartye commendations to your good Lordships :—Havinge bene informed owt of dyvers contries betweene the North parte of the Isle of Britanie and this place that all high wayes are greatly filled with persons that have no other pretence to pass upp hither but to imbarque in these southren portes for the services of forreyne Princes and Estates, according to that libertye which his Majestie hath geven by vertue of his proclamation, as knowinge well how necessarye it is in a monarchie of suche extent and populacye as this to geve leave to persons able in bodye and naturallye apt for millitarye service to seike their fortunes in the service of his Majesties frendis, we have thought good to let you know that, in his Majesties opinion and ours, it were more convenient for such collonels and captaynes as take upp men (beinge only for such uses and not impressed for his Majesties service) to be indioyned to assigne such souldiers their rendevous in the partes wher they are leavyed, rather then to geve them occasion to committ disorders in the high wayes, or to pester this Courte or the streetes of London under couler of takinge passage ther when they have no such intention. And thus, remittinge the forme of orderinge this to your Lordships owne discretion, we bid your Lordships hartely farewell. From the Court at Ashbye this xviiith of August 1605. Your Lordships verye loving freindes :—LENOX : SUFFOLKE : E. WORCESTER : H. NORTHAMPTON : SALISBURY : J. STANHOPE. (See *ante*, p. 130). Letter from the Privy Council of England to the "Chancellor and the rest of the Council of Scotland," concerning recruiting in Scotland for foreign service.

Montrose, 24th Aug. 1605.

38. Letter from the Laird of Edzell to the Lord President Balmerinoch expressing his readiness to satisfy the Council by submitting to arbitration the feud between him and the Laird of Pittarrow, and requesting James Prymrois to form a submission, which the Goodman of the Tour will receive. The President is also informed that the said Laird's "heland landis" have been twice "invadit and hereit" since his returning. In the matter of the feud between the Lairds of Edzell and Pittarro.

Edinburgh, 10th Oct. 1605.

39. Charge to Daniell Bryce in Airth to answer for lying at the horn to which he had been put for not paying to Patrik Wylie, merchant, burgess of Glasgow, 220 merks as principal and £20 for expenses. Daniell Bryce.

Edinburgh, 24th Oct. 1605.

40. Extract, made and subscribed by James Prymrois, Clerk of Council, of the decree of the Secret Council of this date against the ministers of the Assembly held at Aberdene. (See the trial and decree *ante* pp. 134–137.) Aberdeen Assembly.

Edinburgh, 11th Nov. 1605.

41. Charge, dated at Edinburgh 11th November 1605, to Sir George Home of Woddirburne to answer before the Council on Thursday 19th December for remaining as yet unrelaxed at the horn, to which he had been put on 21st March last for not paying to David Flescher, writer to Action against Sir George Home.

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the signet, £100 Scots, allowed to him all the days of his life, and for which the said Sir George took "allowance in our compt" given up by him before the Lords' Auditors on 19th July 1601. The charge had been executed against Home on 11th December by Johne Moncur, messenger, before James Douglas, James Hadden, and Johne Doddis.

Action against Sir George Home of Wedderburn.

42. King's letters, dated at Edinburgh 30th November 1605, charging Sir George Home of Wodderburne to answer before the Council on 19th December next for remaining as yet at the following hornings:—(1) on 12th January 1598 for not paying to Mr Johne Layng, keeper of the signet, £30,000 due by Home to Robert Jowssie and Thomas Foullis, burgesses of Edinburgh, said sum being arrested at Layng's instance till payment had been made to him of 4000 merks as principal and 400 merks as expenses; (2) on 26th July 1599 for not removing, with Johne Myllar in East Moreistoun, from the lands of Moreistoun.—The charge had been executed against Home by Johne Moncur, messenger, before William Dowglas, spouse of the Goodwife of Ancrum, James Haldane, steward in Wedderburne, and Johne Doddis, portioner there. Edinburgh, 30th Nov. 1605.

Commission of justiciary against William Kid.

43. William Kid, cordiner in Dundie, being suspected of stealing a mare pertaining to Robert Popeltrie furth of the lands of Balumby, belonging to James, Lord of Balmerinoch, there is issued a commission of justiciary for his apprehension. 1605.

Caution by Ogilvy of Dunlugus and others.

44. Assurance by Walter Ogilvy, apparent of Dunlugus, James Seytoun, burgess of Aberdene, and Seytoun, his son, to Johne Gordoun of Carneburrow, and William, Adame, and Johne Gordonis, his sons, for their indemnity till 1st January 1606. Countersigned by James Prymrois. 1605.

45. "ARTICLES CONCERNING THE MIDDLE SHYRES.

Suggestions for the better government of the Middle March and for preservation of peace therein.

It is requisite that some ordour be taken with the idle youthes that are in those partes, being the seminarie of the, &c.; and that this maye be the better done it wilbe a greate help that commanndment be geven that no Bordour man of any broken name shall parte his rowmes or steiding amangst his children without advise of two of the Commissionaris, but all to goe to the eldest, and the rest, who have nothing to live upoun sufficiently, to be transported whither his Majestie and the Counsell thinkes fitt. 1605 (?).

It is meete that justice courtis be kept for trying and punishing of theaves and there ressetters fower tymes at least every yeare in such places as the Commissioners shall think fitt, and that proclamation be made at the head burgh of the shrye and at the place of there meeting for bringing in of dittay.

That none of the Bordour that ar knowne to be of broken clannes shall ryde with any kynde of invasive weapon, under the paine of an hundreth poundes, to be uplifted from the contraveyner to his Majesties use, as also the imprisonment of his or there bodies for a yeare.

Also, in regard the number of the ale-houses is too greate, it is necessarie that they be redactit to a fewer number, and that such as keepes them be chosen of the honestest men, and shall finde caution for there good behaviour, and that such as they give interteynment unto shall behave

themselves modestly in all companies, and that the Commissioners at next meeting shall appointe the number of ale-houses, priviledge such as they allow, of whom they shall tak suertie for there good behaviour, and discharge all others.

That there shalbe some appointed to rype and search in every parish (there number to be according to the quantitie of the parish and of the honestest sorte), who shalbe bound to rype everie fiftein dayes betwixt Midsomer and Christmasse at least, and everie moneth all the rest of the yeare, and furder so oft as ony man requyres them thereto: whiche searchers and rypers shalbe sworne by the Commissioners or justices of peace to reveale what they finde upon there oath.

Furder, that there shalbe certane sworne men in every parish, according to the discretion of the Commissioners, who shalbe oblished upon there oathes to delate and give up all suche as are suspected of theft or ressett of theft or any evill demeanour, nor that have no sufficient trade whereby to mainteyn themselves, to the effect that ordour may be taken with such idle persons as effeiris.

Item, no Bordour man of any broken name shall have nor keepe horse nor meire of greater pryce then thretty poundes Scottis, and that they shall not presume to ryde upon any saddle, but onely upon soddes, except such as may spend, in heritage, takkis, or fewis, five hundreth markes Scottis by yeare.

In respect that sundrie of our Borderers goe parte into England, parte into the in-countrey of Lowthiane, parte into Nidisdale and into Galloway, and there doe mak purposes and drawe draughtes to noble and gentlemens geire, it were good that it might not be lawfull to any who hes bene knowne of a broken lyfe to be absent from his owne house 48 howers togither without license obteyned of the Commissioners or justices of peace, and that he notifie unto them that his earand is lawfull and just, and how soone he is to returne, and that the contraveynour heirof shall paye to his Majestie fortie pounds and himself imprisoned for three moneths.

That the Deputie of Ireland be sent unto that no Bordour man be receaved there, without a warrant under some of the Commissioners hands or justices of peace, and that, if any Bordour man that is in Ireland alreddy be to come home, he be directed by the Deputie to some of the Commissioners or justices of peace, to the effect that during his abode here caution maye be taken for his good behaviour.

That suche as are dryvers of sheape and nolt laye in band to the Commissioners that they shall buye no geire frome anie but such as are answerable to his Majesties lawes, under the paine of confiscation of his whole drifte to his Majesties use.

That in every parish there may be some lurgg dogges kept, one or moe, according to the quantitie of the parish, for following of pettie stouthes.

That it maye be lawfull to any man to give saifare for speiring of his goodis or geir stollen, provyding it does not exceade the double of the

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availle of the goods stollen; whiche saifare is to be taken of the reddiest of there goods who shalbe convict of these stouthes, or of the ressett of the stollen goodes.

It shalbe lawfull to any man to tak redresse of the goodes and geir stollen from him, provyding he doe first acquainte any one of the Commissioners therewith, unto whome he shall binde himself under a pecuniall some that after redres ones taken he shall persew the partie criminally from whome he had the redres.

That none be of the Garde but such as the Captaine of the Gard salbe answerable for that they are not guiltie either of theft or ressett of theft since the happie Union of the two kingdomes.

The Captaine of the Garde not to tak ony man but such as either are fugitives and outlawes, or els unto whome he sall furnish dittay.

That suretie be taken of the wydowes of all theaves and ressetters who have bene executed that they shall not ressett any fugitives nor give them supplye.

And, becaus all thinges cannot occur to memorie for the present, and many things will result that is not now remembred, it may please his Majestie to wryte to the Lord Channcellour and Counsell to advyse with the Bordour Commissioners that such formes may be sett downe as are agreable to the fundamentall lawes of the countrey for preservation of peace therein."[1]

Edinburgh and Leith.

46. Letter from his Majesty to the Council anent the dispute between Edinburgh and Leith. (Printed in full p. 491, *supra*.) Greenwich, 29th May 1606.

Payment to the Master of Gray of debts due to him by his Majesty.

47. The following members of his Majesty's Council,—viz. the Earl of Montroiss, Commissioner, the Earl of Dunfermling, Chancellor, the Earl of Downbar, the Secretary, and Sir Thomas Hamilton,—having, conform to the King's warrant, sighted the sums due by his Majesty to Patrik, Master of Gray, find the same to amount to £19,983, 4s. 11d. Scots, and desire, according to his Majesty's warrant, David, Lord of Scone, Comptroller, to make payment of the said sum to the creditor furth of the readiest of his intromissions in the said office. Perth, 11th July 1606.

48. Letter from his Majesty to the Council anent a certain malefactor and his resetters. (Printed in full p. 504, *supra*.) Whitehall, 10th Dec. 1606.

The Master of Lothian appointed Master of Requests in succession to his father, the Earl of Lothian, and admitted of the Council.

49. "The whilk day in presence of the Lordis of Secreit Counsall compeirit personalie Mark, Erll of Lotheane, maister of requeistis, and presented 1606.

[1] There is no date to this paper, nor is there any clue to the authorship. The subject, however, connects it with the consultations that were going on through the year 1605 between the Privy Council and his Majesty's recently appointed Commissioners for the late Borders as to proper methods for reducing the Border counties to law and obedience. See ample records of these among the *Border Papers*, *ante* pp. 704–714. The present paper seems to be the voluntarily tendered advice of some one who thought he understood the matter; and, as some of its suggestions were carried out by the Commissioners in their ordinances of the 9th of April 1605 (*ante* pp. 707–708)—*e.g.* that of forbidding any ordinary Borderer to have a horse of greater value than £30 Scots—this fact may date the paper before the issue of these ordinances. The suggestion about appointing "rypers" in every parish does not seem to have taken effect till Dec. 1606 (see *ante* p. 721).

befoir the saidis Lordis ane signatour signed be the Kingis moist excellent Majestie, wherby his Heynes hes maid and constitute Sir Robert Ker, maister of Lotheane, eldest lauchfull sone to the said Erll of Lotheane, maister of requeistis, upoun dimissioun maid be his said fader of the said office, and conforme thairto moist humelie requeistit the saidis Lordis to ressave his sonis aith conforme to the ordour. The Lordis of Secreit Counsaill haveing red, hard, and consideritt the signatour foirsaid signed be his Majestie as said is [resavis and admittis the said Sir Robert in the number of ane ordinar consalour, and tuk his ayth thairupon and for dischairge, etc.[1]] thay tuke the said Sir Robertis aith for discharge of the said office as apperteyneth. Wherupoun the said Sir Robert askit instrumentis." Miscellaneous Papers.

David Anderson, plumber in Aberdeen, against the Earl Marischal for oppression and wrongous imprisonment in Dunottar Castle.

50. Complaint to the Council by David Andirsoun, plumber, burgess of Abirdene, against George, Earl of Merchell, as follows:—The said parties entered into a contract whereby Andirsoun was bound to lay a pipe of lead from the meadow beneath the stables to the great well beeast the "galrie" within the Castle of Dunnotter, to serve "ane fontane." Accordingly, he bought 160 stone weight of lead, and carried the same to the burgh of Abirdene, and thence to the said Castle, at great expense. He and his workmen at great trouble cast one day five pipes, each 14 ells in length, and were most willing to finish the work. But the said Earl, on 25th April 1603, after the completing of the first day's work, apprehended the complainer, and detained him in ward in the said castle for four days, "bosting and minassing me to discharge and annull the said contract. And, efter that I obtenit libertie and fredome, I repairit hame to the burgh of Abirdene to attend and await upoun my lauchfull trade; and, haveing tane jornay fra the said burgh to the burgh of Edinburgh be sey, and being be storme of wedder and contrarious windis dryvene bak and forcit for saulftie of my lyff to land at the Stanehavin, quhair I resolvit to repair be land to the said burgh of Edinburgh, upoun the sevint of May thairefter, I being gangand in peciable and quiet maner upoun my fute to the said toun of Stanehavin, lippyning for na harme nor oppressioun to have bene offerrit to me, it is of treuth that the said Erll in proper persone, accompanyt with Keith of Duffus, and James Stirling, then his servand, followit me on horsebak out of the said toun, and at the end thairof they tuke and apprehendit me, and tuk me perforce with thame to the said Castell, keipit and detenit me thairintill as presoner, and on na wyse wald put me to libertie quhill I wes constranit to deliver to him ane grite quantitie of leid." This, worth £700, with the other lead and pipes, worth £300, the said Earl disponed at his pleasure. The Earl also compelled Edinburgh, 8th January 1607.

[1] The words in square brackets are written on the margin of the document in Lord Lothian's own handwriting; and there follows in the same hand this note: "This is al I can think necesser to be eikit in this admissione, quhilk befor was insert into the gift quhilk I sent to Court, with sum uther clausis quhilk ar left out in this quhilk come hame. Bot I will leif this til I speik with you, quhilk, God willing, sal be the morn afor Consal. Praying you to let this berar knaw quhyidder it haldis befor noun or efter. So, remitting this to your favour, I rest ever your assuirid freind, LOTHIANE."

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complainer to deliver to him a discharge of the said lead and contract. The Earl has thus not only committed "ane manifest ryot and oppressioun upoun me," but "thairwithall usurpit upoun him his Majesties princelie power and authoritie in taking and detening of me as prisoner, I being his Heynes fre subject, ansuerable and obedient to the lawis, haveing commitit na cryme nor offence, nor he haveing na power nor commissioun to tak me; and thairfore he aucht to be persewit and punist in his persone and guidis with all rigour, to the terrour of utheris." The pursuer therefore humbly beseeches that the defender be charged to compear and produce the discharge abovewritten in order to its being declared null as having been unlawfully given.—The complaint is indorsed *Fiat ut petitur*, the decree being subscribed by the Bishop of Dunkeld.

51. Letter of this date under the sign manual from the King to the Council. (Printed in full pp. 511–12 from the Register, where it is engrossed.) Whitehall, 2nd March 1607. Royal letter.

Anent the escape of MacConeil from Dumbarton Castle.

52. Deposition, in presence of my Lords Uchiltrie and Blantyr, and Mr William Hairt, Lord Justice, of Robert Buntene in Ardincaple, anent the escaping of Archibald M°Coneill. Said Archibald offered the deponer 500 merks "to help him over the water," but one Johne Dunlop dissuaded the deponer "to go with him." When M°Coneill and the deponer met in the evening they had "no speecheis bot good nychtis." In the course of the examination there are mentioned the places of Ardincaple, Dunbartane, the Castle, the Ferryside, also the names of Archibald Cunynghame, Thomas Falisdaill, and Johnne Achinros [apparently in Dunbartane], Lady and Laird [? of Ardincaple], Sir James M°Coneill, and Johne M°Coull. (Compare with entries *ante* pp. 283 and 515–516). 4th March 1607.

Proclamation against carrying beggarly Scots to England.

53. Proclamatioun ordered by the Council to discharge all masters, skippers, and mariners from transporting to England beggarly passengers from Scotland, under pain of punishment and censure. The proclamation is subscribed by James Prymrois, Clerk of Council. (See *ante* p. 381). Edinburgh, 4th July 1607.

54. Letter from his Majesty to the Council for removing a certain feud. (Printed in full p. 528 *supra*.) Greenwich, 16th June 1607.

Discharge by the Earl of Mar to James Primrose, Clerk of Council, acknowledging return of certain evidents used in the Earl's behalf in a process of ranking.

55. "I, Johnne, Erll of Mar, Lord Erskin and Garioch, &c., grant me be the tennour heirof to have ressavit fra James Prymrois, Clerk of Secret Counsaill, the particular wreatis and evidentis following, quhilkis were producit be me to the said James Prymrois for verificatioun of my antiquitie in the proces of the ranking of the nobilitie of this kingdome:—viz. Ane chartour maid be dame Isobell Dowgles, Countesse of Mar and Garreauch, to Alexander Stewart, sone to the Erll of Buchan, for mariage to be contracted betuix thame, of all and haill the landis of the erledome of Mar, with the Castell of Kildyrmmie and lordschip of Garreauch, daitit the nynt of December j^{m} iiii^{c} and four yearis. *Item*, ane chartour of confirmatioun maid be Robert, King of Scottis, confirmeing the chartour abonewritten, daitit the first of Januar j^{m} iiii^{c} and four yearis. *Item*, ane letter maid be Robert, King of Scottis, to Sir Thomas Erskine, knycht, contening the said Kingis [? command] that he suld not ressave ane resignatioun of the landis of the Edinburgh, 11th July 1607.

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erldome of Mar to be maid be the said Isobell Dougles, Countesse of Mar, daitit xxiii of November in the fourte year of the Kingis reignne. [*Item,*] ane instrument of sasine under the subscriptioun of Alexander Thome, notar, proceiding upoun a precept of the chancellarie, bering sasine gevin *nobili et magnifico domino, domino Roberto Erskine de eodem,* as narrest and lauchfull air to Isobell Dowglas, Countesse of Mar, of the halfe landis of the erledome of Mar, daitit xxi day of November j^{m} iiii^{c} xxxviii yeir. [*Item,*] the extract of ane Act of Parliament *in anno* j^{m} v^{c} lxxxvii ratifeing the haill richtis, titles, and provisionis maid to Johnne, Erll of Mar, and his predicessouris, of the landis of the erledome of Mar, as air be progres to dame Issobell Dowglas, Countesse of Mar. *Item,* ane retour out [of] the chancellarie extractit, daitit xx° of Marche j^{m} v^{c} lxxxviii yeiris, quhairby . . . Erll of Mar wes servit as narrest and lauchfull air to umquhill dame Issobell Dowglas, Countess of Mar, . . . Ane instrument of the erledome of Mar maid to Alexander Stewart, datit the nynt of December [i]iii^{c} and four yeir, under the signe and subscriptione of William Cryne, notar.—Off the quhilkis evidentis ressavit be me fra the said James Prmyrois I hald me weill confeist, dischargeing the said James Prymrois, his airis, executouris, and utheris quhom it effeiris, thairof for evir be thir presentis; and am content that this my discharge abonewritten be registrat in the bookis of Secrete Counsaill *ad futuram rei memoriam;* and makis my lauchfull procuratouris to compeir and consent to the registering heirof. In witnessing quhairof I have subscrivit thir presentis with my hand, wreattin be Lawrence Keir, servitour to the said James Prymrois, at Edinburgh, the xi day of Julii j^{m} vi^{c} and seven yeiris, befoir thir witnesses, —Thomas Ewing, Harie Dow, and George Hume, our servitouris: Mar; H. Dow, witnes; Thomas Ewing, witnes; G. Hume, witnes."

Royston, 14th Oct. 1607.

Commission to Ogle of Popplehill for executing the Acts of Parliament against strong and idle beggars.

56. The execution of the Acts of Parliament 1579 c. 12 (iii. p. 139), and 1592 c. 28 (iii. p. 554) for punishment of strong and idle beggars and provision for the poor and impotent, has been so long neglected that a great number of "insolent lymmaris" are not now afraid to "extort thair almous"; which before they "pietefullie and soberlie" begged. Farther, in places where the said vagabonds are "maisteris," they daily commit "grite villaneis," live without marriage, or baptism of thair children, and are grown so numerous that the towns to which strangers repair are "pastered" with them, so that one can hardly go in quietness through the streets and passages. His Majesty has therefore resolved to appoint a commissioner who shall be answerable to himself for the discharge of his duty, and accordingly nominates Williame Ogill of Popilhall as justice over all Scotland to execute the said Acts, with power to him to constitute deputes in every parish of this realm according to the said Acts of Parliament. And, to the effect he may be the better able to execute this commission, his Majesty grants to him the penalties mentioned in the said Acts to be incurred by the contraveners thereof, with the penalties (1) of the officers or ministers of the law for not

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restraining idle vagabonds within their bounds according to the Act of Parliament 1503 c. 14 (ii. p. 251); (2) of the disturbers of kirks in time of preaching and Sabbath breakers, as contained in the Act of February 1551; (3) of fornicators, mentioned in Act of December 1567; (4) of harbourers or setters of houses to idle vagabonds, as in the Act of October 1579; (5) of overseers and collectors of alms for the poor refusing to accept office or not properly discharging the same, as in the Act of October 1587; (6) of swearers and blasphemers, as in the Act of October 1579. Farther, his Majesty ordains all prelates, bishops, lords of Council and Session, commissioners as well spiritual as temporal, moderators of presbyteries, and ministers of parish kirks, to assist the said Justice for furthering him in the discharge of "this godlie work." Given at our Court at Royston, 14th October 1607. Superscribed by his Majesty, and subscribed by the Chancellor and the Earl of Angus.

Royal Letter anent the last.

57. Letter from his Majesty to the Council anent the commission to Ogle of Poppillhalle for repression of vagrants and beggars. (Printed in full p. 544, *supra*.) Royston, 30th Oct. 1607.

Concerning the Earl of Argyle's claim to the lands of Kintyre, now held by the barbarous clan Donald, in reward for his services against the Macgregors.

58. "His Majestie at the first advertisment of M^cGregouris apprehensioun maid promise to give to the Erle of Ergyle ane worthie reward, to remayne heretablie with him and his aires heirafter. Seing now nocht only is the said M^cGregour apprehendit and delyverit, bot the greite pairt of all that clan and the best and choicest men of thame, quha micht haif bein maist fearit, ar at commandiment, na doubt his Majestie wilbe moveit to continew that his resolutioun, and augment the rewaird rather than impaire the same in onyway, respect being had that, in procureing of this wark, the said Erle of Ergyle hes not only bein driven to intollerable toyll and payne in his awin persoun, bot also hes bestowit huge and greit sowmes of money, als weill in levieing of men as in particuler rewairdes to sum persones to effectuat this turne. 1607 (?)

The mater demandit is the gift of the landis of Kintyre; quhairin it wald be rememberit how small or na proffeitt thay evir importeit to the King, his Majestie often tymes being driven to put the cuntrey to greitar chairges in the space of thrie or four yeir for getting in of the rent thairof, quhilk is nocht greit, than mycht haif doubled the pryce and utter valew of the haill land.

The dispositioun of it to the Erle of Ergyle will embark him in actioun aganis the Clan Donald, being the strangest piller of all the broken hieland men, quha nevir in any aige wer civill, bot hes bein the scoolemaisteris and fosteraris of all barbaritie, savaignes, and crueltye,—hes evir from the beginning bein addictit nocht only to rebellioun within this continent land and the iles, bot evir wer assisteris of the northerne Irische people, dwelling in Ireland, in all thair rebellionis. Now, this nobleman in actioun of blude being enterit with the said Clan Donald, nocht only will he procuire thair ruitteing out and utter suppressing, bot upoun that same respect will evir be ane feir to those in the northe of Ireland to rebell, haveing ane enemye lyand sa neir to thame; quha, besydes that

dewty quhilk as ane nobleman and his Majesties subject he is bund unto, will, upoun his former embarking aganis the said Clan Donald, preis be all meanis to suppres thair doingis.

Quhairin the difficultye may be considerit quhilk the said Erll of Ergyle will haif in the removeing of that mischevous Clan, quhais actionis deservis na les than thair utter extirpatioun and ruitteing out, thay being of nowmeris sa mony and of sa greit freyndschip that hardlye without greit bluide this turne may be effectuat; and, sa lang as the said Clan Donald remaynes unremoveit furth of the saidis landis, his Majestie nor na utheris sal half any proffeit, and the uncivilitie and barbaritie sall continew nocht only thair bot in the Iles.

The Erle of Ergyle himself had the foirfaltour of thir same landis of Kintyire, the iles of Ilay, Jura, Coloula, Sunward, and Ardwa, all offerit unto him for ten^{m} merkis, the saidis landis of Kintyre skairse ansuering to the fyifte pairt of the haill ather in valew or yeirlie proffeit, sua that the present demandit rewaird is baith meane and ressonable,—the landis of Kintyire being mair proper in his persoun than in the persone of any uther subject, be ressoun he is heretabill Justice, Colonell, and Chamberlane, and his Lordshipis predicessouris had heretabill infeftment of the landis thameselffis disponeit be King James the Fourt of worthie memorye."

[1] There is no date to this paper, nor any indication who was the writer. Evidently, however, it is written in the interest of the Earl of Argyle, urging the Earl's claims on his Majesty for some reward for his services against the Clan Gregor; and, as the suggested reward,—an infeftment of the Earl in the Lordship of Kintyre,—did not come till 30th May 1607 (see Ratification of the infeftment by the Parliament of 1617: *Acta Parl. Scot.* iv. 559–560), the present paper must have been written before that date. It may even have been written in some year earlier than 1607; for the opening paragraph might be read as implying that the apprehension of the chief of the MacGregors and the crushing of his clan were rather recent events in the writer's mind. It may have taken time and argument to bring about the desired result.

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PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
BY NEILL AND COMPANY, EDINBURGH.